



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

JAN 27 2016

REPLY TO THE ATTENTION OF:

**CERTIFIED MAIL: 7014 2870 0001 9578 3273**

**RETURNED RECEIPT REQUESTED**

Mr. & Mrs. Bowman  
TLC Construction  
5150 Gas Lite Court  
Rockford, Illinois 61111

Expedited Settlement Agreement and Final Order in the Matter of  
TLC of Rockford: Docket No. **TSCA-05-2016-0005**

Mr. & Mrs. Bowman:

Enclosed please find a copy of a fully executed Expedited Settlement Agreement and Final Order (ESA) in resolution of the above case. This document was filed on January 27, 2016 with the Regional Hearing Clerk.

The civil penalty in the amount of \$200.00 is to be paid in the manner described in paragraph 3. Please be certain that the docket number is written on both the transmittal letter and on the check.

Thank you for your cooperation in resolving this matter.

Sincerely,

A handwritten signature in cursive script that reads "Meghan Dunn".

Meghan Dunn  
Pesticides and Toxics Compliance Section

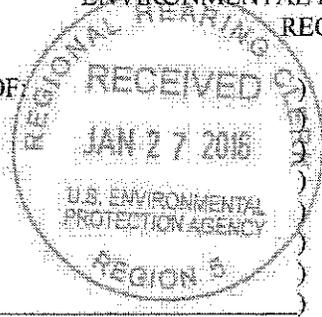
Enclosure

UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY  
REGION 5

IN THE MATTER OF:

TLC of Rockford

Respondent.



Docket No. TSCA-05-2016-0005

EXPEDITED SETTLEMENT  
AGREEMENT AND  
FINAL ORDER

MICRO-BUSINESS EXPEDITED SETTLEMENT AGREEMENT AND FINAL ORDER

1. The U.S. Environmental Protection Agency alleges that TLC of Rockford (Respondent) failed to comply with regulations promulgated under Section 402 of the Toxic Substances Control Act (TSCA), 15 U.S.C. § 2682, in violation of Section 409 of TSCA, 15 U.S.C. § 2689.
2. On or after October 1, 2010, Respondent performed, offered, or claimed to perform renovations of target housing or child occupied facilities without being certified by EPA under 40 C.F.R. § 745.89 to conduct renovation, repair, and/or painting activities in target housing and/or child-occupied facilities, as required by 40 C.F.R. §§ 745.81(a)(2)(ii) and 745.89(a), in violation of Section 409 of TSCA, 15 U.S.C. § 2689.
3. EPA and Respondent agree that settlement of this matter for a civil penalty of two-hundred dollars (\$200) is in the public interest.
4. EPA is authorized to enter into this Expedited Settlement Agreement and Final Order (Agreement) pursuant to Section 16 of TSCA and 40 C.F.R. § 22.13(b).
5. In signing this Agreement, Respondent: (1) admits that Respondent is subject to 40 C.F.R. § 745.81(a) and 40 C.F.R. § 745.89; (2) admits that EPA has jurisdiction over Respondent and Respondent's conduct as alleged herein; (3) neither admits nor denies the factual allegations contained herein; and (4) consents to the assessment of this penalty.
6. By its signature below, Respondent certifies, subject to civil and criminal penalties for making false submissions to the United States Government, that: (1) it has applied to EPA for certification under 40 C.F.R. § 745.89; and (2) along with this Agreement Respondent is submitting proof of its application for certification in accordance with 40 C.F.R. § 745.89, including a signed copy of its "Application for Firms" and proof of payment of its application fee.
7. Within 120 days after the effective date of this Agreement, Respondent shall submit to EPA a notice of certification that states Respondent's name, complete address, and the case docket number, along with proof of its certification in accordance with 40 C.F.R. §§ 745.81(a)(2)(ii) and 745.89, at the following addresses:

Regional Hearing Clerk (E-19J)  
U.S. EPA, Region 5  
77 West Jackson Boulevard  
Chicago, Illinois 60604

Meghan Dunn (LC-8J)  
Pesticides and Toxics Compliance Section  
U.S. EPA, Region 5  
77 West Jackson Boulevard  
Chicago, Illinois 60604

Robert Peachey (C-14J)  
Office of Regional Counsel  
U.S. EPA, Region 5  
77 West Jackson Boulevard  
Chicago, Illinois 60604

8. Within 30 days after the effective date of this Agreement, Respondent shall pay a civil penalty of two-hundred dollars (\$200) for the TSCA violations identified in this Agreement by sending a cashier's or certified check, payable to "Treasurer, United States of America" to:

U.S. EPA  
Fines and Penalties  
Cincinnati Finance Center  
P.O. Box 979077  
St. Louis, Missouri 63197-9000

The check must state the case title ("In the Matter of: TLC of Rockford"), and the docket number of this Agreement.

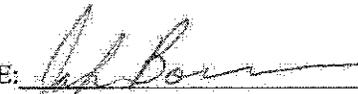
9. Respondent must send a notice of payment that states Respondent's name, complete address, and the case docket number (along with a photocopy of the check) to EPA at the addresses listed in paragraph 7 above, when it pays the penalty.
10. This civil penalty is not deductible for federal tax purposes.
11. If Respondent does not pay timely the civil penalty, EPA may refer this matter to the Attorney General who will recover such amount, plus interest, in the appropriate district court of the United States under Section 16(a) of TSCA, 15 U.S.C. § 2615(a). The validity, amount and appropriateness of the civil penalty are not reviewable in a collection action.
12. Pursuant to 31 C.F.R. § 901.9, Respondent must pay the following on any amount overdue under this Agreement. Interest will accrue on any amount overdue at a rate established pursuant to 31 U.S.C. § 3717. Respondent must pay a \$15 handling charge each month that any portion of the penalty is more than 30 days past due. In addition, Respondent must pay a 6 percent per year penalty on any principal amount 90 days past due.
13. This Agreement resolves only Respondent's liability for federal civil penalties for the violations alleged in the Agreement.

14. This Agreement does not affect the rights of EPA or the United States to pursue appropriate injunctive or other equitable relief or criminal sanctions for any violations of law.
15. EPA reserves all of its rights to take enforcement action for any other past, present, or future violations by Respondent of TSCA, any other federal statute or regulation, or this Agreement.
16. This Agreement does not affect Respondent's responsibility to comply with TSCA, 15 U.S.C. § 2601 *et seq.*, and other applicable federal, state, and local laws.
17. Respondent certifies that it is complying with Section 402 of TSCA, 15 U.S.C. § 2682, and its implementing regulations at 40 C.F.R. Part 745.
18. The terms of this Agreement bind Respondent, and its successors and assigns.
19. Each person signing this Agreement certifies that he or she has the authority to sign for the party whom he or she represents and to bind that party to its terms.
20. Upon signing and returning this Agreement to EPA, Respondent waives any and all remedies, claims for relief and other available rights to judicial or administrative review Respondent may have with respect to any issue of fact or law set forth in this Expedited Settlement Agreement, including the opportunity for a hearing or appeal pursuant to TSCA and 40 C.F.R. Part 22 and any right of judicial review under Chapter 7 of the Administrative Procedure Act, 5 U.S.C. §§ 701 -706.
21. Each party shall bear its own costs and fees, if any.
22. This Agreement is binding on the parties signing below, and in accordance with 40 C.F.R. § 22.31(b) is effective upon filing.

IT IS SO AGREED:

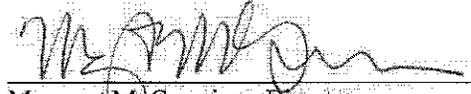
NAME (print): JOHN BOWMAN

TITLE (print): CO-OWNER TLC CONSTRUCTION

SIGNATURE: 

DATE: 1/3/16

APPROVED BY EPA:



DATE: 1/19/16

Margaret M. Guerriero, Director  
Land and Chemicals Division  
United States Environmental Protection Agency  
Region 5

FINAL ORDER

This Expedited Settlement Agreement and Final Order, as agreed to by the parties, shall become effective immediately upon filing with the Regional Hearing Clerk. This Expedited Settlement Agreement and Final Order concludes this proceeding pursuant to 40 C.F.R. §§ 22.18 and 22.31.

IT IS SO ORDERED.

1/25/16  
Date

R. Hedman  
Susan Hedman  
Regional Administrator  
United States Environmental Protection Agency  
Region 5

In the matter of: TLC of Rockford  
Docket Number: **TSCA-05-2016-0005**

**CERTIFICATE OF SERVICE**

I certify that I served a true and correct copy of the foregoing **Expedited Settlement Agreement**, which was filed on 1/27/2016, this day in the following manner to the addressees:

Copy by certified mail

Return-receipt requested:

Mr. & Mrs. Bowman  
TLC of Rockford  
5150 Gas Lite Court  
Rockford, Illinois 61111

Copy by e-mail to

Attorney for Complainant:

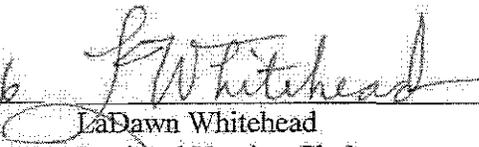
Robert Peachey  
Peachey.robert@epa.gov

Copy by e-mail to

Regional Judicial Officer:

Ann Coyle  
coyle.am@epa.gov

Dated:

*January 27, 2016*   
\_\_\_\_\_  
LaDawn Whitehead  
Regional Hearing Clerk  
U.S. Environmental Protection Agency, Region 5



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

REPLY TO THE ATTENTION OF:

ENFORCEMENT CONFIDENTIAL

DATE: 10 November 2015

SUBJECT: Streamlined Review and Sign-Off for Fiscal Year 2016 Federal Lead Based Paint Requirements Expedited Settlement Agreement Under Section 16(a) of the Toxic Substances Control Act

FROM: Robert Peachey  
Associate Regional Counsel

A handwritten signature in black ink that reads "Robert M. Peachey".

TO: File

This case and the accompanying Micro Business Expedited Settlement Agreement (ESA) are part of the FY16 initiative under the Toxic Substances Control Act for certification of firms that conduct renovation, repair, and painting activities in target housing and child-occupied facilities (the RRP Rule). Specifically, the certification requirements are part of the regulations that the United States Environmental Protection Agency promulgated and published at 40 C.F.R. Part 745, Subpart E, pursuant to Section 402(c)(3) of TSCA, 15 U.S.C. § 2682. The ESA developed for the initiative is a boilerplate document to be used with no substantive modifications in each individual case. Early in the initiative process, the boilerplate ESA was reviewed and approved by appropriate management in the Office of Regional Counsel (ORC). ORC management then agreed that each individual ESA would not need complete ORC sign-off, provided that the substance of the boilerplate was retained. I have reviewed the accompanying ESA and have determined that the substantive provisions of the approved boilerplate have not been altered. Accordingly, the ESA for this case did not go through complete ORC sign-off.





*Office of the*  
**REGIONAL ADMINISTRATOR**



## Correspondence for RA's Signature

*Type of Document:* **Miscellaneous (MISC)**

*Name of Document:* **STREAMLINED REVIEW AND SIGN-OFF FOR FISCAL YEAR 2016 FEDERAL LEAD BASED PAINT REQUIREMENTS EXPEDITED SETTLEMENT AGREEMENT UNDER SECTION 16(A) OF THE TOXIC SUBSTANCES CONTROL ACT**

*Date Rec'd in ORA:* **01/19/2016**

*From:* **LCD**

*Contact Name:* **JESSIE ORTIZ**

*Phone:* **6-6671**

<u>DATE</u>	<u>NAME</u>	<u>INITIALS</u>
<u>1/19/16</u>	Ronna Beckmann (AL/R5-C)	<u>RB</u>
	Denise Fortin (AL/R5-C)	
	Eileen Deamer (AL/R5-C)	
<u>1/19/16</u>	Robert Kaplan (Deputy Regional Administrator)	<u>RAK</u>
	Susan Hedman (Regional Administrator)	

*Correction Required?*       Yes  No

*Remarks:*



# LAND AND CHEMICALS DIVISION

Type of Document: ESA File #: 16TL001

Name of Document: TLC Construction

EJ Concerns: Y or (N) or Exempt But work may be done in areas of EJ concern  
for business location

	<u>NAMES</u>	<u>DATE</u>
AUTHOR:	M. Dunn <u>MED</u>	<u>1-12-16</u>
SECTION APA:	R. Aridge <u>RBA</u>	<u>1/12/2016</u>
SECTION CHIEF:	D. Star <u>D Star</u>	<u>01/14/2016</u>
BRANCH APA:	F. Brown <u>FAB</u>	<u>1/15/16</u>
BRANCH CHIEF:	M. Klevs <u>MK</u>	<u>1/19/16</u>
DIVISION APA:	J. Ortiz <u>Jos</u>	<u>1/19/16</u>
DIVISION DIRECTOR:	M. Guerriero <u>MS</u>	<u>1/19/16</u>
OTHERS:	_____	_____
	_____	_____
DRA:	_____	_____
RA: S. Hedman	_____	_____

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RETURN TO: M. Dunn

PHONE: 6-6191

COMMENTS: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

