

FILED

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY REGION 6

1201 Elm Street, Suite 500  
Dallas, Texas 75270

28 JUN 2023 PM 3:37  
REGIONAL HEARING CLERK  
EPA REGION VI

In the Matter of

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CB Builder / Clyde Beaty Homes, Inc.,

Docket No. TSCA-06-2023-6157

Respondent.

**EXPEDITED SETTLEMENT AGREEMENT AND FINAL ORDER**

1. The U.S. Environmental Protection Agency, Region 6 (EPA) alleges that CB Builder / Clyde Beaty Homes, Inc. (Respondent), has violated Section 409 of the Toxic Substances Control Act (TSCA), 15 U.S.C. § 2689, by failing to comply with the regulatory requirements of 40 C.F.R. Part 745, Subpart E, Residential Property Renovation (Lead-Based Paint Renovation, Repair and Painting Program Rule), promulgated pursuant to 15 U.S.C. §§ 2682, 2686, and 2687.

2. The EPA is authorized to enter into this Expedited Settlement Agreement (ESA) for the assessment of civil penalties initiated pursuant to Section 16(a) of TSCA, 15 U.S.C. § 2615(a). This action is simultaneously commenced and concluded pursuant to Rules 22.13(b) and 22.18(b)(2) of the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits, 40 C.F.R. §§ 22.13(b) and 22.18(b)(2).

Alleged Violations

3. The regulation at 40 C.F.R. § 745.81(a)(2)(ii) prohibits firms from performing, offering, or claiming to perform renovations without certification from EPA under 40 C.F.R. § 745.89 in target housing or child-occupied facilities on or after April 22, 2010. Pursuant to 40 C.F.R. § 745.89(b)(1)(iii), a firm must be re-certified by EPA every 5 years and must not perform renovations until obtaining recertification. Respondent, as a firm which performs, offers, or claims to perform renovations for compensation on housing constructed prior to 1978, is required to obtain firm certification and re-certification every 5 years from EPA. Respondent failed to re-certify the firm every 5 years and failed to stop performing renovations until re-certified, in violation of 40 C.F.R. § 745.81(a)(2)(ii) and Section 409 of TSCA, 15 U.S.C. § 2689.

4. The regulation at 40 C.F.R. § 745.89(d)(2) requires firms performing renovations to ensure that a certified renovator is assigned to each renovation performed by the firm and discharge all the certified renovator responsibilities identified in 40 C.F.R. 745.90. Respondent

failed to assign a certified renovator to a renovation performed by the firm in violation of 40 C.F.R. § 745.89(d)(2) and Section 409 of TSCA, 15 U.S.C. § 2689.

Settlement

5. The EPA and Respondent agree that settlement of this matter for a civil penalty of Two Thousand Dollars (\$2,000) is in the public interest.

6. Not more than thirty (30) calendar days after the effective date of the Final Order, Respondent shall deposit the civil penalty amount of Two Thousand Dollars (\$2,000) by certified or cashier's check made payable to the "United States Treasury", with reference to the EPA Docket Number TSCA-06-2023-6157, and sent to:

U.S. Environmental Protection Agency  
Fines and Penalties  
Cincinnati Finance Center  
P. O. Box 979077  
St. Louis, MO 63197-9000

or by alternate payment method described at <http://www.epa.gov/financial/makepayment>.

7. Respondent shall forward, by electronic mail, a copy of the payment with a certification that, regarding the violations alleged herein, Respondent is in compliance with the *Lead-Based Paint Renovation, Repair and Painting Rule* to:

Lorena S. Vaughn  
Regional Hearing Clerk  
U.S. Environmental Protection Agency, Region 6  
1201 Elm Street, Suite 500 (ORC)  
Dallas, Texas 75270-2102  
[vaughn.lorena@epa.gov](mailto:vaughn.lorena@epa.gov); and

Angela Hays  
Enforcement and Compliance Assurance Division  
Toxics Enforcement Section  
U.S. Environmental Protection Agency, Region 6  
1201 Elm Street, Suite 500 (ECDST)  
Dallas, Texas 75270-2101  
[hays.angela@epa.gov](mailto:hays.angela@epa.gov)

8. In signing this Agreement, Respondent: (a) admits that Respondent is subject to the requirements in Paragraphs 3 and 4, above; (b) admits that EPA has jurisdiction over Respondent and Respondent's conduct as alleged herein; (c) neither admits nor denies the factual allegations contained herein; (d) consents to the assessment of this penalty; and (e) 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 ESA, 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.

9. By its signature below, Respondent certifies, subject to civil and criminal penalties for making a false submission to the United States Government, that Respondent: (a) has corrected the alleged violation and is in compliance with the regulations at 40 C.F.R. Part 745; (b) agrees to provide payment of the civil penalty set forth above; (c) agrees to submit a true and accurate proof of payment of said civil penalty as set forth in above; and (d) agrees to release said payment to EPA upon entry of the Final Order attached hereto.

10. Upon the effective date of this Agreement and subsequent payment of the civil penalty, Respondent shall only be resolved of liability for federal civil penalties for the violations and facts alleged herein.

11. No portion of the civil penalty or interest paid by Respondent pursuant to the requirements of this Agreement shall be claimed by Respondent as a deduction for federal, state, or local income tax purposes.

12. This Agreement does not affect the rights of EPA or the United States to pursue appropriate injunctive relief or other equitable relief or criminal sanctions for any violations of law. EPA reserves its rights to take enforcement action for any other violations by Respondent of TSCA, any other federal statute or regulation, or this Agreement.

13. Failure to pay the assessed penalty may result in the referral of this matter to the United States Department of Justice for collection of the amount due plus stipulated penalties and interest at the statutory judgment rate provided in 28 U.S.C. § 1961.

14. Each party shall bear its own costs and fees, if any.

15. This Agreement, authorized by EPA's execution of the Final Order attached hereto, constitutes a final order under 40 C.F.R. Part 22.

16. This Agreement is binding on the parties signing below, and in accordance with 40 C.F.R. § 22.31(b), is effective upon filing.

17. The EPA and Respondent agree to the use of electronic signatures for this matter. The EPA and Respondent further agree to electronic service of this ESA, pursuant to 40 C.F.R. § 22.6, by email to the following addresses:

To EPA: [george.elizabeth.a@epa.gov](mailto:george.elizabeth.a@epa.gov)

To Respondent: [cbbuilder@gmail.com](mailto:cbbuilder@gmail.com)

FOR THE RESPONDENT:

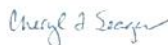
Name (print): CLYDE BEATY

Title (print): PRESIDENT

Signature: 

Date: 5/30/23

FOR THE EPA:



Digitally signed by CHERYL  
SEAGER  
Date: 2023.06.01 14:34:14 -05'00'

Date: June 1, 2023

Cheryl T. Seager  
Director  
Enforcement and  
Compliance Assurance Division  
U.S. EPA, Region 6

**FINAL ORDER**

Pursuant to the authority of Section 16 of Toxic Substances Control Act, 15 U.S.C. § 2615, and according to the terms of this Agreement, IT IS HEREBY ORDERED THAT:

1. Respondent shall comply with all terms of the Expedited Settlement Agreement;
2. Respondent is assessed a civil penalty of Two Thousand Dollars (\$2,000); and
3. Respondent shall make payment of the civil penalty in accordance with the payment provisions set forth in the Expedited Settlement Agreement.

This Agreement shall be effective upon the filing of the Final Order by the Regional Hearing Clerk for the EPA, Region 6. Unless otherwise stated, all time periods stated herein shall be calculated in calendar days from such date.

**IT IS SO ORDERED.**

**THOMAS RUCKI**

Digitally signed by THOMAS RUCKI  
DN: cn=US, o=U.S. Government, ou=Environmental  
Protection Agency, cn=THOMAS RUCKI,  
0.9.2342.19200300.100.1.1=68001003655804  
Date: 2023.06.01 16:12:32 -0400

Date: \_\_\_\_\_

\_\_\_\_\_  
Thomas Rucki  
Regional Judicial Officer  
U.S. Environmental Protection Agency, Region 6

**CERTIFICATE OF SERVICE**

I hereby certify, on the date identified below, a true and correct copy of the foregoing Expedited Settlement Agreement was delivered to the Regional Hearing Clerk, U.S. EPA Region 6 (ORC), 1201 Elm Street, Suite 500, Dallas, Texas 75270-2102, and that a true and correct copy was sent this day in the following manner to the addressees:

Copy via Email to EPA:

george.elizabeth.a@epa.gov

Copy via Email to Respondent:

cbbuilder@gmail.com

ELIZABET  
H GEORGE

Digitally signed by  
ELIZABETH GEORGE  
Date: 2023.06.01  
16:28:26 -05'00'

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Signed  
Unites States Environmental Protection Agency,  
Region 6