



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4
SAM NUNN
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA GEORGIA 30303-8960

AUG 11 2015

CERTIFIED MAIL
UNITED PARCEL SERVICE

Mr. Zack Womack
Attorney at Law
Womack Law Offices
304 First Street
Henderson, Kentucky 42419-0637

Re: Paul Sellars General Contractor
Ratified Consent Agreement and Final Order
Docket No. TSCA-04-2014-2538(b)

Dear Mr. Womack:

Enclosed is a copy of the ratified Consent Agreement and Final Order (CAFO) in the above-referenced matter. The original CAFO has been filed with the Regional Hearing Clerk and served on the parties as directed in Section 22.6 of the Consolidated Rules of Practice, 40 C.F.R. Part 22.

Please refer to Section V of the CAFO for penalty information and payment requirements. To ensure proper processing, the Respondent's name and Docket Number for this case, identified above and in the CAFO, should be noted on any cashier's or certified check submitted in payment of the penalty.

Also enclosed is a copy of a document entitled "Notice of Securities and Exchange Commission Registrants' Duty to Disclose Environmental Legal Proceedings." This document puts your client on notice of their potential duty to disclose to the Securities and Exchange Commission any environmental enforcement actions taken by the U. S. Environmental Protection Agency Region 4. Where used in the document "SEC" refers to the Securities and Exchange Commission.

Should you have any questions about this matter or your compliance status in the future, please contact Mr. Bryce Covington of the EPA Region 4 staff at (404) 562-9192 or email covington.bryce@epa.gov.

Sincerely,

A handwritten signature in blue ink, appearing to read "Anthony G. Toney".

Anthony G. Toney
Chief
Chemical Safety & Enforcement Branch

Enclosures

2. Complainant and Respondent have conferred for the purpose of settlement pursuant to 40 C.F.R. § 22.18 and desire to resolve this matter and settle the allegations described herein without a formal hearing. Therefore, without the taking of any evidence or testimony, the making of any argument, or the adjudication of any issue in this matter, and in accordance with 40 C.F.R. § 22.13(b), this Consent Agreement and Final Order (CAFO) will simultaneously commence and conclude this matter.

II. Preliminary Statements

3. Pursuant to Sections 402 and 406 of the Toxic Substances Control Act (TSCA), 15 U.S.C. §§ 2682 and 2686, the Administrator of the EPA promulgated Residential Property Renovation Rules at 40 C.F.R. Part 745, Subpart E including the Pre-Renovation Education Rule, the Renovation, Repair and Painting Rule, and the Lead-Based Paint Activities Rule. It is a prohibited act under Section 409 of TSCA, 15 U.S.C. § 2689, for any person to fail or refuse to comply with any of the rules issued under 40 C.F.R. Part 745, Subpart E.
4. Pursuant to 40 C.F.R. § 22.5(c)(4) the following individual is authorized to receive service for the EPA in this proceeding:

Mr. Bryce Covington
Lead and Children's Health Section
U.S. EPA Region 4
61 Forsyth Street
Atlanta, Georgia 30303-8960
(404) 562-9192

III. Specific Allegations

5. Respondent is a "renovation firm," that performs "renovation activities" for compensation as those terms are defined, respectively, by 40 C.F.R. § 745.89(a), and 40 C.F.R. § 745.81(a). Respondent performed renovation activities at residential units

located at 8225 Wathen Lane, Henderson, Kentucky. This residential unit is “target housing,” as that term is defined by 40 C.F.R. § 745.103.

6. Based on information provided by Respondent to EPA in a letter dated July 23, 2011, EPA alleges that Respondent violated Sections 402 and 406 of TSCA and 40 C.F.R. Part 745, Subpart E as follows:
 - a. Respondent failed to apply to EPA for Firm Certification to perform renovations or dust sampling prior to undertaking renovation activities as required by 40 C.F.R. §§ 745.81 and 745.89.
 - b. Respondent failed to obtain, from the owner and/or adult occupant, a written acknowledgement that the owner and/or adult resident has received the renovation pamphlet, “THE LEAD-SAFE CERTIFIED GUIDE TO RENOVATE RIGHT”, from the Respondent, or the Respondent failed to obtain a certificate of mailing of the pamphlet, at least 7 days prior to the start of the renovation work, as required by 40 C.F.R. § 745.84.

IV. Consent Agreement

7. For the purposes of this CAFO, Respondent admits the jurisdictional allegations set forth above and neither admits nor denies the factual allegations set forth above.
8. Respondent waives its right to a hearing on the allegations contained herein and its right to appeal the Final Order accompanying the Consent Agreement.
9. Respondent consents to the assessment of the penalty proposed by the EPA and agrees to pay the civil penalty as set forth in the Final Order section of this CAFO.
10. Respondent certifies that as of the date of its execution of this CAFO, it is in compliance with all relevant requirements of 40 C.F.R. Part 745, Subpart E.

11. Compliance with this CAFO shall resolve the allegations of the violations contained herein. This CAFO shall not otherwise affect any liability of Respondent to the United States. Other than as expressed herein, neither the EPA nor Complainant waives any right to bring an enforcement action against Respondent for violation of any federal or state statute, regulation or permit, to initiate an action for imminent and substantial endangerment, or to pursue criminal enforcement.

V. Final Order

12. Respondent is assessed a civil penalty of **ONE THOUSAND FOUR HUNDRED THIRTY-FIVE DOLLARS (\$1,435)** which shall be paid within thirty (30) days after the effective date of this CAFO.
13. Respondent shall remit the penalty payment by either a cashier's or certified check made payable to the "Treasurer, United States of America."

The Respondent shall note on the face of the check the Respondent's Name and the Docket Number TSCA-04-2014-2538(b).

The penalty payment shall be sent by one of the methods below.

Address for payment submittal using the United States Postal Service (USPS)
(excluding USPS overnight mail):

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

Address for payment submittal using USPS overnight mail or other delivery service (e.g., Federal Express, United Parcel Service, DHL, etc.):

U.S. Bank
Government Lockbox 979077
U.S. EPA Fines & Penalties
1005 Convention Plaza
Mail Station SL-MO-C2-GL
St. Louis, Missouri 63101.

Contact Phone Number: (314) 425-1818.

14. At the time of payment, Respondent shall send a separate copy of the check and a written statement that the payment is being made in accordance with this CAFO, to the following persons at the following addresses:

Regional Hearing Clerk
U.S. EPA Region 4
61 Forsyth Street
Atlanta, Georgia 30303-8960;

Bryce Covington
Lead and Children's Health Section
U.S. EPA Region 4
61 Forsyth Street
Atlanta, Georgia 30303-8960; and

Saundi J. Wilson
Office of Environmental Accountability
U.S. EPA Region 4
61 Forsyth Street
Atlanta, Georgia 30303-8960.

15. For the purposes of state and federal income taxation, Respondent shall not be entitled, and agrees not to attempt, to claim a deduction for any civil penalty payment pursuant to this CAFO. Any attempt by Respondent to deduct any such payments shall constitute a violation of this CAFO.
16. Pursuant to 31 U.S.C. § 3717, the EPA is entitled to assess interest and penalties on debts owed to the United States and a charge to cover the cost of processing and handling a

delinquent claim. Interest will therefore begin to accrue on the civil penalty from the date of entry of this CAFO, if the penalty is not paid by the date required. A charge will also be assessed to cover the administrative costs, both direct and indirect, of overdue debts. In addition, under the Adequate Response Requirement of the CAFO Policy a late payment may require Formal Enforcement Procedures be employed to collect any principal amount not paid within 30 days of the due date.

17. Complainant and Respondent shall bear their own costs and attorney fees in this matter.
18. This CAFO shall be binding upon the Respondent, its successors and assigns.
19. Each undersigned representative of the parties to this CAFO certifies that he or she is fully authorized by the party represented to enter into this CAFO and legally binds that party to this CAFO.

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VI. Effective Date

20. The effective date of this CAFO shall be the date on which the CAFO is filed with the Regional Hearing Clerk.

AGREED AND CONSENTED TO:

Respondent: Paul Sellars General Contractor
Docket No.: TSCA-04-2014-2538(b)

By: Paul Sellars Date: 7-15-2015
Name: PAUL SELLARS
Title: OWNER

Complainant: U.S. ENVIRONMENTAL PROTECTION AGENCY

By: Carol G. Kamber for Date: 8/6/15
Beverly Banister, Director
Air, Pesticides and Toxics
Management Division

APPROVED AND SO ORDERED this 10th day of August, 2015.

By: Tanya Floyd
Tanya Floyd
Regional Judicial Officer

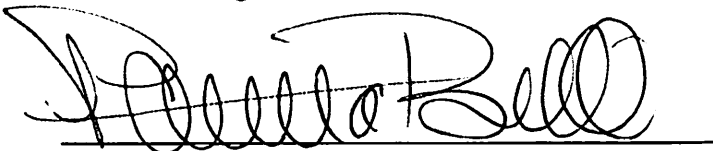
CERTIFICATE OF SERVICE

I hereby certify that on the date set out below, I filed the original and one copy of the foregoing Consent Agreement and Final Order and served a true and correct copy of the foregoing Consent Agreement and Final Order, In the Matter of Paul Sellars General Contractor, Docket Number: TSCA-04-2014-2538(b), to the addressees listed below:

Paul Sellars (via Certified Mail, Return Receipt Requested)
Owner
Paul Sellars General Contractor
13105 Tom Smith Road
Henderson, Kentucky 4240

Bryce Covington (via EPA's internal mail)
Lead and Children's Health Section
U.S. EPA Region 4
61 Forsyth Street SW
Atlanta, Georgia 30303-8960

Robert Caplan, Senior Attorney (via EPA's internal mail)
Office of Environmental Accountability
U.S. EPA Region 4
61 Forsyth Street SW
Atlanta, Georgia 30303-8960



Patricia A. Bullock, Regional Hearing Clerk
U.S. Environmental Protection Agency, Region 4
61 Forsyth Street SW
Atlanta, Georgia 30303-8960
(404) 562-9511

Date: 8-11-15