

**BEFORE THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION III  
Philadelphia, PA 19103-2852**

In the Matter of:	)	
	)	<b>DOCKET NO. TSCA-03-2023-0117</b>
	)	
<b>PRESIDENTIAL EXTERIORS, LLC</b>	)	<b>EXPEDITED SETTLEMENT</b>
<b>2301 RESEARCH BLVD.</b>	)	<b>AGREEMENT</b>
<b>#300</b>	)	
<b>ROCKVILLE, MD 20850</b>	)	
	)	
Respondent.	)	
	)	

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**EXPEDITED SETTLEMENT AGREEMENT**

1. This Expedited Settlement Agreement (“Agreement”) is entered into by the Director of the Enforcement and Compliance Assurance Division, U.S. Environmental Protection Agency, Region III (“EPA” or “Complainant”), and Presidential Exteriors, LLC (“Respondent”), pursuant to Section 16(a) and 409 of the Toxic Substances Control Act (“TSCA”), 15 U.S.C. § 2615(a) and 2689, and the *Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits* (“Consolidated Rules of Practice”), 40 C.F.R. Part 22 (with specific reference to 40 C.F.R. §§ 22.13(b), 22.18(b)(2), and (3)). The Administrator has delegated this authority to the Regional Administrator, who in turn, has delegated it to the Complainant.

2. The EPA has jurisdiction over the above-captioned matter pursuant to Section 16(a) and 409 of the TSCA, 15 U.S.C. § 2615(a) and 2689, and 40 C.F.R. Part 22 of the Consolidated Rules of Practice, including specifically, 40 C.F.R. §§ 22.13(b), 22.18(b)(2), and (3).

3. Respondent is a “person” as defined under 40 C.F.R. § 745.83 and a “firm” as defined under 40 C.F.R. § 745.83.

4. The EPA alleges that Respondent failed to comply with Section 409 of TSCA, 15 U.S.C. § 2689.

5. On August 3, 2021, an EPA inspector conducted an announced TSCA Lead inspection of Respondent’s office located at 2301 Research Blvd. #300 in Rockville, MD 20850

to determine compliance with the Renovation, Repair and Painting (RRP) Rule, codified in Title 40 C.F.R. Part 745, Subpart E.

6. On April 28, 2023, the EPA issued Respondent an Information Request regarding its renovation work, to which Respondent replied on May 9, 2023.

7. Pursuant to 40 C.F.R. § 745.84(a)(1), Respondent was required to obtain from the owner written acknowledgement of the EPA pamphlet entitled, “The Lead-Safe Certified Guide to Renovate Right” (hereinafter “pamphlet”) before performing, offering, or claiming to perform renovations for compensation in housing constructed prior to 1978.

8. Pursuant to 40 C.F.R. § 745.86(b)(6), Respondent was required to provide the EPA inspector with records documenting that the safe work practices and cleanup standards required by 40 C.F.R. § 745.85 were followed during the renovations for compensation in housing constructed prior to 1978.

9. As a result of the EPA’s investigation, the EPA believes that on or around August 17, 2020, Respondent conducted a renovation, as that term is defined in 40 C.F.R. § 745.83, for compensation at 12915 Melville Lane, Fairfax, VA 22033.

10. The Property described in paragraph 9 above was constructed in 1969, prior to 1978, and is target housing within the meaning of 15 U.S.C. § 2681(17).

11. As a result of the EPA’s investigation, the EPA believes that on or around October 10, 2020, Respondent conducted a renovation, as that term is defined in 40 C.F.R. § 745.83, for compensation at 567 North Livingston St., Arlington, VA 22203.

12. The Property described in paragraph 11 above was constructed in 1955, prior to 1978, and is target housing within the meaning of 15 U.S.C. § 2681(17).

13. As a result of the EPA’s investigation, the EPA believes that on or around November 22, 2020 Respondent conducted a renovation, as that term is defined in 40 C.F.R. § 745.83, for compensation at 9844 Singleton Drive, Bethesda, MD 20817.

14. The Property described in paragraph 13 above was constructed in 1958, prior to 1978, and is target housing within the meaning of 15 U.S.C. § 2681(17).

15. Respondent is a firm, as that term is defined in 40 C.F.R. § 745.83.

16. Respondent failed to obtain from the property owner, prior to the renovation, an acknowledgement of receipt of EPA’s pamphlet at the properties described in paragraphs 9, 11, and 13 in violation of 40 C.F.R. § 745.84(a)(1).

17. In failing to comply with 40 C.F.R. § 745.84(a)(1), Respondent is subject to the assessment of civil penalties under 15 U.S.C. § 2615(a).

18. Respondent failed to provide the EPA inspector with records documenting that the safe work practices and cleanup standards required by 40 C.F.R. § 745.85 were followed during the renovations at the properties described in paragraphs 9, 11, and 13 in violation of 40 C.F.R. § 745.86(b)(b).

19. In failing to comply with 40 C.F.R. § 745.86(b)(6), Respondent is subject to the assessment of civil penalties under 15 U.S.C. § 2615(a).

20. Respondent certifies that it has not had the same, or closely-related violations, that were the subject of an enforcement action under TSCA in the past five (5) years.

21. Complainant and Respondent agree that an appropriate civil penalty to settle this action is six thousand dollars (\$6,000) and agree that settlement of this matter for a penalty of \$6,000 is in the public interest. In calculating this amount, Complainant considered the statutory factors set forth in Section 16(a)(2)(B) of TSCA, 15 U.S.C. § 2615(a)(2)(B) and the EPA's Lead-Based Paint Expedited Settlement Agreement Policy (August 19, 2015).

22. Respondent shall make a payment of \$6,000 by one of four methods: 1) electronic funds transfer ("EFT"), 2) Automated Clearinghouse, 3) Pay.gov, or 4) a cashier's check or certified check made out to "**United States Treasury**" with the case name, address and docket number of this Agreement (TSCA-03-2023-0117) for the amount specified above:

a. Payment of the penalty amount by EFT:

Federal Reserve Bank of New York  
ABA 021030004  
Account 68010727  
SWIFT address FRNYUS33  
33 Liberty Street  
New York, NY 10045  
Beneficiary: Environmental Protection Agency

b. Payment of the penalty amount by Automated Clearinghouse ("ACH"):

U.S. Treasury REX/Cashlink ACH Receiver  
  
ABA: 051036706  
Account Number: 310006, Environmental Protection Agency  
  
CTX Format Transaction Code 22- Checking  
  
Physical Location of the U.S. Treasury Facility  
5700 Rivertech Court  
Riverdale, MD 20737

Remittance Express (REX): 1-866-234-5681

c. Payments made through Pay.gov:

Payers can use their credit or debit cards (Visa, MasterCard, American Express & Discover) as well as checking account information to make payments. Follow these steps to make a payment:

- (1) You **DO NOT** need a user name and password or account.
- (2) Enter **SFO 1.1** in the form search box on the top left side of the screen.
- (3) Open the form and follow the on-screen instructions.
- (4) Select your method of payment from the “Type of Payment” drop down menu.
- (5) Based on your selection, the corresponding line will open and no longer be shaded grey.
- (6) Enter the docket number of this Agreement into the field.

d. Payment of the penalty amount by regular U.S. Postal Service shall be sent via regular mail to:

U.S. Environmental Protection Agency  
P.O. Box - Cincinnati Finance Center Box 979078  
St. Louis, MO 63197-9000

e. Payment of the penalty amount by overnight mail (FedEx or other non-U.S. Postal Service express mail) shall be sent to:

U.S. Environmental Protection Agency  
Government Lock Box - Cincinnati Finance Center Box 979078  
1005 Convention Plaza  
SL-MO-C2-GL  
St. Louis, MO 63101

f. A list of the payment methods is also provided at this website  
<https://www.epa.gov/financial/makepayment>.

23. Respondent shall send a copy of the payment to:

Craig Yussen, Compliance Officer  
EPA Region III  
[Yussen.craig@epa.gov](mailto:Yussen.craig@epa.gov)

and

Regional Hearing Clerk (3RC00)  
EPA, Region III  
R3\_Hearing\_Clerk@epa.gov

By written notice to Respondent, EPA may change the address and/or person listed above.

24. In signing this Agreement, the Respondent: admits the jurisdictional allegations set forth in this Agreement; neither admits nor denies the specific factual allegations set forth in this Agreement, except as provided in the jurisdictional admission above; agrees not to contest EPA's jurisdiction with respect to the execution of this Agreement, the issuance of the attached Final Order, or the enforcement the Agreement; expressly waives its right to a hearing on any issue of law or fact set forth in this Agreement and any right to appeal the accompanying Final Order; consents to the issuance of the Agreement and agrees to comply with its terms; and bear its own costs and attorney's fees.

25. The penalty, including interest, paid by Respondent pursuant to the requirements of this Agreement, represents civil penalties assessed by EPA, and shall not be deductible for purposes of federal, state, or local income taxes.

26. By its signature below, Respondent certifies, subject to civil and criminal penalties for making a false submission to the United States Government, that (1) he or she has corrected the alleged violations, and (2) any documentation or information that he or she provided to EPA was true and accurate.

27. This Agreement and the attached Final Order constitute a settlement by EPA of its claims for civil penalties for the violations alleged in this Agreement.

28. EPA reserves the right to commence action against any person, including Respondent, in response to any condition which EPA determines may present an imminent and substantial endangerment to the public health, public welfare, or the environment. In addition, this settlement is subject to all limitations on the scope of resolution and to the reservation of rights set forth in Sections 22.18(c) and 22.31(a) of the Consolidated Rules of Practice. Further, EPA reserves any rights and remedies available to it under the TSCA regulations promulgated, and any other federal laws or regulations for which EPA has jurisdiction, to enforce the provisions of this Agreement, following its filing with the Regional Hearing Clerk.

29. Late payment of the agreed upon penalty may subject Respondent to interest, administrative costs and late payment penalties in accordance with 40 C.F.R. § 13.11.

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

31. The undersigned representative certifies that she/he is fully authorized to execute this Agreement and to legally bind Presidential Exteriors, LLC.

32. As permitted under 40 C.F.R. § 22.6, the Regional Hearing Clerk will serve copies of this Agreement and Final Order by e-mail to the parties at the following valid e-mail addresses: Yussen.craig@epa.gov (for Complainant), and [dlupton@presidentialext.com](mailto:dlupton@presidentialext.com) (for Respondent).

33. By signing this Agreement, Respondent acknowledges that this Agreement and Final Order will be available to the public and represents that, to the best of Respondent's knowledge and belief, this Agreement and Final Order does not contain any confidential business information or personally identifiable information from Respondent.

34. Failure of Respondent to remit the civil penalties provided herein will result in this matter being forwarded 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.

**For Respondent:    PRESIDENTIAL EXTERIORS, LLC**

Name (print): DAVID LUDTON

Title (print): FOUNDING PARTNER

Signature: 

Date 7/11/23

**For Complainant: U.S. Environmental Protection Agency, Region III**

After reviewing the Agreement and other pertinent matters, I, the undersigned Director of the Enforcement and Compliance Assurance Division of the United States Environmental Protection Agency, Region III, agree to the terms and conditions of this Agreement and recommend that the Regional Administrator, or his/her designee, the Regional Judicial Officer, issue the attached Final Order.

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*(Digital Signature and Date)*

Karen Melvin, Director

Enforcement and Compliance Assurance Division



**BEFORE THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION III  
Philadelphia, Pennsylvania 19103-2852**

<b>IN THE MATTER OF:</b>	)	<b>DOCKET NO.: TSCA-03-2023-0117</b>
	)	
<b>PRESIDENTIAL EXTERIORS, LLC</b>	)	<b>FINAL ORDER</b>
<b>2301 RESEARCH BLVD.</b>	)	
<b>#300</b>	)	
<b>ROCKVILLE, MD 20850</b>	)	
	)	
<b>Respondent.</b>	)	

**FINAL ORDER**

Complainant, the Director of the Enforcement and Compliance Assurance Division, U.S. Environmental Protection Agency - Region III, and Respondent, Presidential Exteriors, LLC, have executed a document entitled “Expedited Settlement Agreement,” which I hereby ratify as a Consent Agreement in accordance with the *Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits* (“Consolidated Rules of Practice”), 40 C.F.R. Part 22, (with specific reference to Sections 22.13(b) and 22.18(b)(2) and (3)). The terms of the foregoing Expedited Settlement Agreement are accepted by the undersigned and incorporated herein as if set forth at length.

Based upon the representations of the parties in the attached Expedited Settlement Agreement, after taking into account the statutory factors set forth in TSCA, Section 16(a), 15 U.S.C. § 2615(a), the penalty agreed to therein is in the public interest and has been calculated pursuant to EPA’s August 19, 2015 *Lead-Based Paint Expedited Settlement Agreement Policy*.

**NOW, THEREFORE, PURSUANT TO** Section 16(a)(1) of the Toxic Substances Control Act (“TSCA”), as amended, 15 U.S.C § 2615(a)(1), and Section 22.18(b)(3) of the Consolidated Rules of Practice, **IT IS HEREBY ORDERED** that Respondent pay a civil penalty in the amount of *Six Thousand Dollars (\$6,000)*, in accordance with the payment provisions set forth in the Consent Agreement, and comply with the terms and conditions of the Consent Agreement.

This Final Order constitutes the final Agency action in this proceeding. This Final Order shall not in any case affect the right of the Agency or the United States to pursue appropriate injunctive or other equitable relief, or criminal sanctions for any violations of the law. This Final Order resolves only those causes of action alleged in the Expedited Settlement Agreement and does not waive, extinguish or otherwise affect Respondent’s obligation to comply with all applicable provisions of TSCA, 15 U.S.C. §§ 2601 *et seq.*, and the regulations promulgated thereunder.

The effective date of the foregoing Expedited Settlement Agreement and this Final Order is the date on which this Final Order is filed with the Regional Hearing Clerk.

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Date

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Joseph J. Lisa  
Regional Judicial Officer  
U.S. EPA - Region III

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION III  
Philadelphia, Pennsylvania 19103

In the Matter of:

:  
: U.S. EPA Docket No. TSCA-03-2023-0117

PRESIDENTIAL EXTERIORS, LLC  
2301 RESEARCH BLVD.  
#300  
ROCKVILLE, MD 20850

:  
:  
: Proceeding under Sections 16(a) and 409 of  
: the Toxic Substances Control Act, 15 U.S.C.  
: §§ 2615 and 2689

Respondent.

:  
:

**CERTIFICATE OF SERVICE**

I certify that the foregoing *Consent Agreement and Final Order* were filed with the EPA Region III Regional Hearing Clerk on the date that has been electronically stamped on the *Consent Agreement and Final Order*. I further certify that on the date set forth below, I caused true and correct copies of the same to be served electronically, via email, upon each of the following persons at the email addresses specified below:

Mr. David Lupton  
Chief Financial Officer Owner/Partner  
Presidential Exteriors, LLC  
2301 Research Blvd. # 300  
Rockville, Maryland 20850  
[dlupton@presidentialext.com](mailto:dlupton@presidentialext.com)

and

Craig E. Yussen  
Chemical Engineer  
U.S. EPA, Region III  
Email: [yussen.craig@epa.gov](mailto:yussen.craig@epa.gov)

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[Digitally Signed and Dated]  
Regional Hearing Clerk (3RC00)  
U.S. Environmental Protection Agency, Region III