

EPA ENFORCEMENT ACCOUNTS RECEIVABLE CONTROL NUMBER FORM FOR ADMINISTRATIVE ACTIONS

This form was originated by Wanda I. Santiago for Peter DeCambre 7/25/19  
Name of Case Attorney Date

in the ORC (RAA) at 918-1113  
Office & Mail Code Phone number

Case Docket Number TSCA-01-2018-0061

Site-specific Superfund (SF) Acct. Number \_\_\_\_\_

This is an original debt  This is a modification

Name and address of Person and/or Company/Municipality making the payment:

Ahmad Alijabbari  
5 Saint Tekakusitha Drive  
Lewiston, ME 04240

Total Dollar Amount of Receivable \$ 8,697 Due Date: 8/24/19

SEP due? Yes  No  Date Due 4/30/20

Installment Method (if applicable)

INSTALLMENTS OF:

- 1<sup>st</sup> \$ \_\_\_\_\_ on \_\_\_\_\_
- 2<sup>nd</sup> \$ \_\_\_\_\_ on \_\_\_\_\_
- 3<sup>rd</sup> \$ \_\_\_\_\_ on \_\_\_\_\_
- 4<sup>th</sup> \$ \_\_\_\_\_ on \_\_\_\_\_
- 5<sup>th</sup> \$ \_\_\_\_\_ on \_\_\_\_\_

For RHC Tracking Purposes:

Copy of Check Received by RHC \_\_\_\_\_ Notice Sent to Finance \_\_\_\_\_

**TO BE FILLED OUT BY LOCAL FINANCIAL MANAGEMENT OFFICE:**

IFMS Accounts Receivable Control Number \_\_\_\_\_

If you have any questions call: \_\_\_\_\_  
in the Financial Management Office

\_\_\_\_\_ Phone Number



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 1  
5 Post Office Square, Suite 100  
Boston, MA 02109-3912

BY HAND

July 25, 2019

RECEIVED

JUL 25 2019

EPA ORC *WS*  
Office of Regional Hearing Clerk

Wanda Santiago  
Regional Hearing Clerk  
U.S. Environmental Protection Agency - Region 1  
5 Post Office Square, Suite 100  
Boston, MA 02109-3912

Re: *In re: Ahmad Alijabbari*  
Docket No. TSCA-01-2018-0061

Dear Ms. Santiago:

Enclosed for filing in the above-referenced action, please find the original and one copy of a Consent Agreement and Final Order (CAFO) settling the matter referenced above pursuant to 40 C.F.R. § 22.18(b) and the certificate of service.

Thank you for your attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Peter DeCambre".

Peter DeCambre  
Senior Enforcement Counsel

Enclosure

cc: Shane T. Wright, Esq.  
Mary Angeles, Headquarters Hearing Clerk

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 1

RECEIVED

JUL 25 2019

EPA ORC WS  
Office of Regional Hearing Clerk

In the Matter of: )  
)  
)

Ahmad Alijabbari )  
5 Saint Tekakwitha Drive )  
Lewiston, ME 04240 )

Respondent )  
)  
)  
)  
)  
)

Docket No. TSCA-01-2018-0061

CONSENT AGREEMENT  
AND  
FINAL ORDER

**CONSENT AGREEMENT**

Complainant, the United States Environmental Protection Agency (“EPA”), and Respondent Ahmad Alijabbari (“Respondent”) have agreed that settlement of this matter is in the public interest and that entry of this Consent Agreement and Final Order (“CAFO”) without further litigation is the most appropriate means of resolving this matter.

**STATUTORY AND REGULATORY AUTHORITY**

1. EPA issued a Complaint against Respondent pursuant to Section 16 of the Toxic Substances Control Act (“TSCA”), 15 U.S.C. § 2615, and the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties, Issuance of Compliance or Corrective Action Orders, and the Revocation, Termination or Suspension of Permits (“Consolidated Rules of Practice”), 40 C.F.R. Part 22 (“Complaint”).
2. The Complaint alleges that Respondent violated Section 409 of TSCA, 15 U.S.C. § 2689, the Residential Lead-Based Paint Hazard Reduction Act of 1992 (“the Act”), 42 U.S.C. § 4851 et

CONSENT AGREEMENT AND FINAL ORDER

Ahmad Alijabbari

Docket No. TSCA-01-2018-0061

Page 1

US EPA, REGION 1  
5 Post Office Square, Suite 100  
Boston, MA 02109-3912

*seq.*, and the federal regulations promulgated thereunder, entitled “Disclosure of Known Lead-Based Paint and/or Lead-Based Paint Hazards Upon Sale or Lease of Residential Property,” as set forth at 40 C.F.R. Part 745, Subpart F (the “Disclosure Rule”).

3. The provisions of this CAFO shall apply to and be binding on the Complainant and the Respondent, its officers, directors, successors and assigns.
4. Respondent stipulates that EPA has jurisdiction over the subject matter alleged in the Complaint and that the Complaint states a claim upon which relief can be granted against Respondent. Respondent waives any defenses he might have as to jurisdiction and venue and, without admitting or denying the factual allegations contained in the Complaint, consents to the terms of this CAFO.
5. Respondent hereby waives his rights to a judicial or administrative hearing on any issue of law or fact set forth in the Complaint and waives his rights to appeal the Final Order.
6. Respondent hereby certifies that he is currently operating and will operate his business in compliance with the Act and the Disclosure Rule.

**Penalty**

7. Pursuant to Section 16 of TSCA, 15 U.S.C. § 2615, and taking into account the nature of the violations, relevant statutory penalty criteria, and Respondent’s agreement to perform a Supplemental Environmental Project (“SEP”) totaling at least \$69,581, EPA has determined that it is fair and proper to assess a civil penalty in the amount of eight thousand six hundred ninety seven dollars (\$8,697) for the violations alleged in this matter.
8. Without admitting or denying the factual allegations contained in the Complaint, Respondent consents to the issuance of this CAFO and consents to a total settlement of \$78,278.

9. On February 4, 2019, Respondent paid the civil penalty in the amount of \$8,697.50. The civil penalty provided under this CAFO, and any interest, nonpayment penalties, and charges described in this CAFO, shall represent penalties assessed by EPA within the meaning of 26 U.S.C. § 162(f) and are not tax deductible for purposes of federal, state, or local law. Accordingly, Respondent agrees to treat all payments made pursuant to this CAFO as penalties within the meaning of 26 C.F.R. § 1.162-21, and further agrees not to use those payments in any way as, or in furtherance of, a tax deduction under federal, state, or local law.

#### **Supplemental Environmental Project**

10. Respondent shall satisfactorily complete the SEP described below and in Attachment A to this CAFO (the SEP Scope of Work or "SOW") which the Parties agree is intended to secure significant environmental and/or public health benefits. Respondent shall complete the following SEP in accordance with the SOW: the abatement of lead-based paint and lead-based paint hazards in target housing units owned by Respondent. Although EPA has agreed that reasonable relocation costs are eligible SEP costs in that it will facilitate and expedite abatement activities, if needed, impacted tenants shall be temporarily housed in nearby hotels not owned, operated, or otherwise affiliated with Respondent. The terms of the attached SOW are incorporated into and is enforceable by this CAFO.

11. The SEP is anticipated to cost at least \$69,581 and shall be completed by April 30, 2020.

12. "Satisfactory completion" of the SEP means: (a) spending at least \$69,581 to implement the SEP; (b) hiring a licensed lead abatement contractor that will abate lead-based paint and/or lead-based paint hazards in building units that are target housing which have not been subject



to prior State or Federal enforcement orders and are owned by Respondent, in accordance with this CAFO and the SOW; (c) completing the SEP by April 30, 2020; (d) submitting a SEP Progress Report; and (e) submitting a SEP Completion Report that, among other things, certifies the SEP has been completed in accordance with this CAFO and the SOW.

### 13. SEP Reports.

a. **SEP Progress Report.** Respondent shall submit a written SEP Progress Report to EPA no later than the December 31, 2019. The SEP progress report shall include:

- i. a detailed description of the work completed during the previous five months;
- ii. all sampling results generated during the previous five months;
- iii. total cost of work undertaken during the previous five months;
- iv. any problems encountered during the previous five months and the solutions thereto; and
- v. the work that is expected to be performed during the next four-month period.

b. **SEP Completion Report.** Respondent shall submit to EPA a SEP Completion Report within thirty (30) days of its completion, but in no event later than May 31, 2020. The SEP Completion Report shall contain the following information:

- i. a detailed description of the SEP as implemented, including, but not limited to, a list of all units where lead abatement was performed, a description of the lead abatement activities in each unit, and before and after photographs of SEP work performed;
- ii. copies of all plans, reports, and data, including abatement plans, inspection reports, abatement reports, all sampling results and/or data, including, but not limited to, sampling locations and documentation of analytical quality assurance/quality control;

- iii. an itemized list of the costs of all goods and services used to complete the SEP along with documentation including, but not limited to, copies of invoices, purchase orders, hotel receipts, or cancelled checks that specifically identify the individual costs of all goods and services;
- iv. an itemized list of hotel costs documented by copies of all hotel receipts for relocation of tenants: information should include the name of the family, number of family members, and number of days spent in the hotel;
- v. documentation that the lead abatement contractor who performed the SEP and clearance sampling is authorized to perform such work in accordance with Maine Lead Abatement Requirements, including copies of appropriate individual and firm licenses or certifications;
- vi. a description of any operating problems encountered in the implementation of the SEP and the solutions thereto;
- vii a written certification by Respondent that the SEP has been fully implemented pursuant to the provisions of this CAFO and Attachment A;
- viii. a written statement that no tax returns filed or to be filed by Respondent will contain deductions or depreciations for any expense associated with the SEP (i.e., eligible SEP costs);
- ix. a written statement that Respondent has not and will not seek rebates for any purchases pursuant to any federal, state, or local agency's or utility's energy-efficiency program, such as windows.; and
- x. copies of the lead abatement consultant, lead inspector/risk assessor and lead abatement contractor's state licenses.

In itemizing its costs in the SEP Completion Report, Respondent shall clearly identify and provide acceptable documentation for all eligible SEP costs. Where the SEP Completion Report includes costs not eligible for SEP credit, those costs must be clearly identified as such. For purposes of this paragraph, "acceptable documentation" includes, but is not limited to, copies of invoices, purchase orders, hotel receipts, or cancelled checks, or other documentation that specifically identifies and itemizes the individual

costs of the goods and/or services for which payment is being made. Canceled drafts do not constitute acceptable documentation unless such drafts specifically identify and itemize the individual costs of the goods and/or services for which payment is being made.

c. Based on its review of the SEP Progress Report submitted to EPA pursuant to this CAFO, EPA will notify Respondent, within fifteen (15) days of receipt of the complete SEP Progress Report, of any substantive concerns that EPA may become aware of regarding the performance of the SEP.

14. Respondent shall maintain legible copies of documentation of the underlying documents or reports submitted to EPA pursuant to this CAFO and shall provide the documentation of any such underlying research and data to EPA not more than seven (7) days after a request for such information. In all documents or reports, including, without limitation, the SEP Completion Report and SEP Progress Report submitted to EPA pursuant to this CAFO, Respondent shall, by its officers, sign and certify under penalty of law that the information contained in such document or report is true, accurate, and not misleading by signing the following statement:

*“I certify under penalty of law that I have examined and am familiar with the information submitted in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment.”*



15. Respondent agrees that failure to submit the reports required by Paragraph 13 above shall be deemed a violation of this CAFO, and Respondent shall become liable for stipulated penalties pursuant to Paragraph 18 below.

16. Respondent shall submit all notices, submissions, and reports required by this CAFO and Attachment A to the following individuals, by first class mail or any other commercial delivery service, at the following addresses:

Molly Magoon  
Environmental Protection Specialist  
U.S. Environmental Protection Agency, Region 1  
Post Office Square, Suite 100 (ECAD 05-4)  
Boston, MA 02109-3912

and

Peter DeCambre  
Senior Enforcement Counsel  
U.S. Environmental Protection Agency, Region 1  
5 Post Office Square, Suite 100 (ORC 04-3)  
Boston, MA 02109-3912

Except where the terms of this CAFO expressly indicate otherwise, the foregoing requirements for submitting notices, submissions, and reports required by this CAFO and Attachment A may be satisfied by transmitting an electronic copy thereof to Ms. Magoon and Mr. DeCambre, provided that telephone notice be given to both individuals at the time of transmission, at:

magoon.molly@epa.gov  
phone: 617-918-1848

and

decambre.peter@epa.gov  
phone: 617-918-1890

17. After receipt of the SEP Completion Report described in Paragraph 13.b. above, EPA will notify Respondent in writing: (a) that EPA concludes that the SEP has been completed satisfactorily; (b) that EPA has determined that the project has not been completed satisfactorily and is specifying a reasonable schedule for correction of the SEP or the SEP Completion Report; or (c) that EPA has determined that the SEP does not comply with the terms of this CAFO and is seeking stipulated penalties in accordance with Paragraph 18 herein. If EPA notifies Respondent pursuant to subparagraph (b) above, that the SEP itself or the SEP Completion Report does not comply with the requirements of this CAFO, Respondent shall make such corrections to the SEP and/or modify the SEP Completion Report in accordance with the schedule specified by EPA. If EPA notifies Respondent pursuant to subparagraph (c) above, that the SEP itself does not comply with the requirements of this CAFO, Respondent shall pay stipulated penalties to EPA in accordance with Paragraph 18 herein.

**18. Stipulated Penalties.**

In the event that Respondent fails to comply with any of the terms or provisions of this CAFO relating to performance of the SEP, Respondent shall be liable for stipulated penalties according to the provisions set forth below:

- a. For failure to submit the SEP Completion Report or the SEP Progress Report, Respondent shall pay a stipulated penalty in the amount of \$100 for each day that Respondent is late until the report is submitted, absent any pre-approved written extension of time granted by EPA for such submittals;

b. If Respondent fails to complete the SEP satisfactorily pursuant to this CAFO, Respondent shall pay a stipulated penalty to the United States in the amount of \$300 per day for the first thirty (30) days of violation, \$500 for the next sixty (60) days of violation, and \$750 for each day thereafter until the SEP is satisfactorily completed, but the total stipulated penalty shall not exceed \$78,278. The definition of "satisfactory completion" for the SEP is set forth in Paragraph 12 above.

c. In the event that Respondents completes the SEP in accordance with Attachment A but the total expenditure for the SEP is less than \$69,581, Respondent shall pay a stipulated penalty to the United States in the amount equal to the difference between \$69,581 and the actual amount spent on the Project, plus interest from the effective date of the CAFO.

d. In the event that the total preapproved relocation hotel costs is less than \$10,481, the Respondent shall pay a stipulated penalty to the United States in the amount equal to the difference between \$10,481 and the actual amount spent on hotel costs, plus interest from the effective date of the CAFO.

19. The determinations of whether the SEP has been satisfactorily completed and whether the Respondent has made a good faith, timely effort to implement the SEP shall be in the sole discretion of EPA.

20. Stipulated penalties shall begin to accrue on the day after performance is due and shall continue to accrue through the final day of the completion of the activity.

21. Respondent shall pay stipulated penalties not more than fifteen (15) days after receipt of written demand by EPA for such penalties. The method of payment shall be in accordance with the provisions of below. Interest and late charges shall be paid as stated in Paragraph 22.

a. The payment shall be made by remitting a check or making an electronic payment, as described below. The check or other payment shall designate the name and docket number of this case (Ahmad Alijabbari; Docket No. TSCA-01-2018-0061), be in the amount stated above, and be payable to "Treasurer, United States of America." The payment shall be remitted as follows:

**If remitted by regular U.S. mail:**

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

**If remitted by any overnight commercial carrier:**

U.S. Bank  
1005 Convention Plaza  
Mail Station SL-MO-C2GL  
St. Louis, Missouri 63101  
Include the phrase "Government Lockbox 979077" on the shipping label.

**If remitted by wire transfer:** Any wire transfer must be sent directly to the Federal Reserve Bank in New York City using the following information:

Federal Reserve Bank of New York  
ABA = 021030004  
Account = 68010727  
SWIFT address = FRNYUS33  
33 Liberty Street  
New York, New York 10045  
Field Tag 4200 of the Fedwire message should read "D 68010727  
Environmental Protection Agency"

b. At the time of payment, a copy of the check (or notification of other type of payment) shall also be sent to:

Wanda Santiago  
Regional Hearing Clerk  
U.S. Environmental Protection Agency, Region 1  
5 Post Office Square, Suite 100 (ORC 04-6)  
Boston, MA 02109-3912

and

Peter DeCambre  
Senior Enforcement Counsel  
U.S. Environmental Protection Agency, Region 1  
5 Post Office Square, Suite 100 (ORC 04-3)  
Boston, MA 02109-3912

22. Pursuant to 31 U.S.C. § 3717, EPA is entitled to assess interest and penalties on debts owed to the United States and a charge to cover the costs of processing and handling a delinquent claim. Interest shall be payable at the rate of the United States Treasury tax and loan rate in accordance with 31 C.F.R. § 901.9(b)(2) and shall accrue from the original date on which the penalty was due to the date of payment. A charge will be assessed to cover the costs of debt collection, including processing and handling costs and attorneys' fees. In addition, a non-payment penalty charge of six (6) percent per year compounded annually will be assessed on any portion of the debt which remains delinquent more than ninety (90) days after payment is due. However, should assessment of the penalty charge on the debt be required, it will be assessed as of the first day payment is due under 31 C.F.R. § 901.9(d). In any such collection action, the validity, amount, and appropriateness of the penalty shall not be subject to review.



23. Respondent hereby certifies as follows:

a. That, as of the date of executing this CAFO, Respondent is not required to perform or develop the SEP by any federal, state or local law or regulation, and is not required to perform or develop the SEP by agreement, grant, or as injunctive relief awarded in any other action or in any forum.

b. Respondent is not a party to any open federal financial assistance transaction that is funding or could fund the same activity as the SEP described in Paragraph 10. To the best of Respondent's knowledge and belief after reasonable inquiry, there is no such open federal financial assistance transaction that is funding or could be used to fund the same activity as the SEP. For the purposes of this certification, the term "open federal financial assistance transaction" refers to a grant, cooperative agreement, federal loan, or federally-guaranteed loan or other mechanism for providing federal financial assistance whose performance has not yet expired.

c. The SEP is not a project that Respondent was planning or intending to construct, perform, or implement other than in settlement of the claims resolved in this CAFO.

d. Respondent has not received and will not receive credit for the SEP in any other enforcement action.

e. Respondent has not received and will not receive any reimbursement for any portion of the SEP from any other person or entity.



f. All cost information provided to EPA in connection with EPA's approval of the SEP is complete and accurate and Respondent in good faith estimates that the cost to implement the SEP is at least \$69,581.

g. For federal income tax purposes, Respondent will neither capitalize into inventory or basis nor deduct any costs or expenses incurred in completing the SEP.

24. Respondent agrees that any public statement, oral or written, in print, film, electronic, or other media, made by Respondent making reference to the SEP shall include the following qualifying language:

*"This project was undertaken in connection with the settlement of an enforcement action taken by the Environmental Protection Agency for alleged violations of the Toxic Substances Control Act, the Residential Lead-Based Paint Hazard Reduction Act of 1992, and federal regulations promulgated thereunder against Ahmad Alijabbari."*

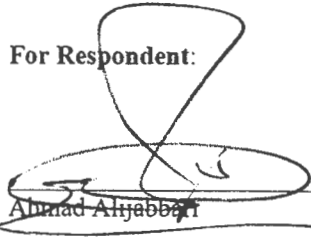
25. Respondent agrees that EPA may inspect any property at which the SEP is being conducted at any time, including before work commences and after the work is completed, in order to confirm that the SEP is being undertaken in conformity with the representations made herein and in Attachment A.

26. This CAFO constitutes a settlement by EPA of all claims for civil penalties pursuant to Section 16(a) of TSCA, 15 U.S.C. § 2615(a), for the violations alleged in the Complaint. Payment of any civil and stipulated penalties required under this CAFO, completion of the SEP as set forth in this CAFO and Attachment A, shall be deemed to resolve all civil and administrative claims for matters addressed in the Complaint. Compliance with this CAFO shall not be a defense to any other actions subsequently commenced pursuant to federal laws

and regulations administered by EPA for matters not addressed in the Complaint or this CAFO, and it is the responsibility of Respondent to comply with all applicable provisions of federal, state or local law.

27. This CAFO in no way relieves Respondent or its employees of any criminal liability, and EPA reserves all its other criminal and civil enforcement authorities, including the authority to seek injunctive relief and the authority to undertake any action against Respondent in response to conditions that may present an imminent and substantial endangerment to the public health, welfare, or the environment.
28. This CAFO shall not relieve Respondent of its obligation to comply with all applicable provisions of federal, state, or local law, nor shall it be construed to be a ruling on, or determination of, any issue related to any federal, state or local permit.
29. Except as specifically settled herein, nothing in this agreement shall be construed as prohibiting, altering, or in any way limiting the ability of EPA to seek any other remedies or sanctions available by virtue of Respondent's violation of this CAFO or of the statutes and regulations upon which the Complaint and this CAFO is based, or for Respondent's violation of any applicable provision of law.
30. The Parties shall bear their own costs and fees in this action, including attorneys' fees, and specifically waive any right to recover such costs from the other party pursuant to the Equal Access to Justice Act, 5 U.S.C § 504, or other applicable laws.
31. Each undersigned representative of the Parties to this Consent Agreement certifies that he or she is fully authorized by the party represented to enter into the terms and conditions of this CAFO and to execute and legally bind that party to it.

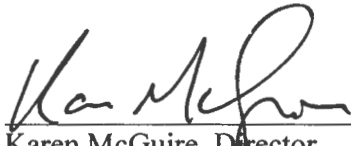
For Respondent:



Ahmad Alijabbari

7, 22, 19  
Date

**For Complainant:**



Karen McGuire, Director  
Enforcement and Compliance Assurance Division  
U.S. Environmental Protection Agency  
Region I

7-28-19

Date

**FINAL ORDER**

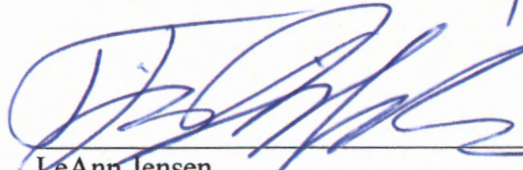
Section 16(a)(2)(C) of TSCA, 15 U.S.C. § 2615(a)(2)(C), authorizes EPA to compromise with or without conditions the maximum civil penalties which may be imposed under that Section. EPA has made such a compromise by applying the penalty factors set forth in Section 16(a)(2)(B) of TSCA, 15 U.S.C. § 2615(a)(2)(B), to the facts and circumstances of this case, including the circumstances of the violations and the culpability of the violator.

Pursuant to 40 C.F.R. § 22.18(b) and (c) of EPA's Consolidated Rules of Practice, the foregoing Consent Agreement resolving this matter is incorporated by reference into this Final Order and is hereby ratified. The Respondent, Ahmad Alijabbari, is ordered to comply with the terms of the above Consent Agreement.

The terms of the Consent Agreement will become effective on the date it is filed with the Regional Hearing Clerk.

Date:

7/24/2019  
fw



LeAnn Jensen  
Regional Judicial Officer  
U.S. Environmental Protection Agency, Region I

Timothy Williamson  
Acting RJO

Attachment A  
**Supplemental Environmental Project Scope of Work**  
*In the Matter of Ahmad Alijabbari*  
Docket Number TSCA-01-2018-0061

1. **Description of Project:** By April 30, 2020, Ahmad Alijabbari (“Respondent”) shall spend approximately \$69,581 performing lead abatement in target housing owned by Respondent located at the addresses listed below in Lewiston and Auburn, Maine. Pursuant to the SEP, Respondent shall abate components containing lead-based paint and/or lead based paint hazards in target housing in compliance with applicable lead-based paint abatement regulations. The SEP consists of: XRF testing of all components that are to be abated as part of the SEP for concentrations of lead paint at three properties: 133 College Street and 140 Summer Street in Lewiston, ME; and 31 Spring Street in Auburn, ME, and lead abatement work including:

- a. Remove and replace windows and/or cover window casings with metal coil stock and vinyl trim;
- b. Remove and replace doors, casings and trim;
- c. Remove and replace all wood trim molding on baseboards and other components;
- d. Remove and replace stair treads, molding and risers;
- e. Remove and replace stair case components, handrails, balusters and stair risers and treads on both interior and exterior stair cases;
- f. Remove and replace components on exterior porches, decks, posts and trim; and
- g. install vinyl and coil stock in exterior porches.

Ahmad Alijabbari shall hire a licensed lead abatement contractor, who will carry out the SEP described above in the following target housing located at:

133 College Street, Lewiston, ME (Cost estimate of \$24,600):

- Apartment 1 (1<sup>st</sup> floor front);
- Apartment 2R (1<sup>st</sup> floor rear); and
- Common areas and exterior.

140 Summer Street, Lewiston, ME (Cost estimate of \$7,875):

- Apartment 1;
- Apartment 3; and
- Common areas and exterior.

31 Spring Street, Auburn, ME (Cost estimate of \$19,275):

- Apartment 1; and
- Apartment 2.

The cost estimates are based on documents submitted to EPA by Renovate Right Construction,



Inc., of 107 Eastern Drive, in Wales, Maine 04280; phone (207) 844-0097, and are summarized in two reports: (1) *"The Cost Estimate and Proposal: Lead Abatement at 140 Summer Street, Lewiston, ME and 31 Spring Street, Auburn, ME,"* dated April 10, 2019; and (2) *"The Cost Estimate and Proposal: Lead Abatement at 133 College Street, Lewiston, ME,"* dated May 15, 2019.

These cost estimates were based on lead inspections conducted by Community Concepts, of 240 Bates Street, Lewiston, ME 04210; phone: (207) 890-3590; by licensed lead risk assessor Andrew Watson (Lic. # LR-0396) on January 29, 2019 and March 19, 2019 and March 20, 2019.

The total cost estimate for abatement at the three properties is \$51,750. Other costs that are preapproved under this CAFO include: costs for inspection reports in the amount of \$3,350, clearance certificates in the amount of \$4,000 and reasonable relocations costs of up to \$10,481. Although EPA has agreed that reasonable relocation costs are eligible SEP costs in that it will facilitate and expedite abatement activities, if needed, impacted tenants shall be temporarily housed in nearby hotels not owned, operated, or otherwise affiliated with Respondent.

2. **Standard of Care:** The SEP shall be performed in accordance with State of Maine, Revised Statutes for Lead Abatement (Title 38, Chapter 12-B, 1997). The SEP shall also be performed in accordance with the United States Department of Housing and Urban Development Guidelines for Evaluation and control and Lead-Based Paint Hazards in Housing (2012) and any other applicable federal, state, or local law or regulation. All lead abatement work conducted for the SEP is subject to routine inspections conducted by the State of Maine Department of Environmental Protection. The SEP work is subject to review and inspection by EPA, as well as clearance inspections.
3. **Schedule:** Respondent shall complete the SEP on the following schedule:
  - a. At least five (5) days prior to commencement of any lead abatement work, Respondent shall provide to EPA copies of licenses or certifications required by Maine Lead Abatement Requirements for all individuals and/or firms that will conduct lead abatement in fulfillment of SEP requirements;
  - b. Respondent shall complete the SEP by April 30, 2020.
4. **SEP Progress Report.** Respondent shall submit a written SEP Progress Report to EPA no later than the December 31, 2019. The SEP Progress Report shall include:
  - i. a detailed description of the work completed during the previous five months;
  - ii. all sampling results generated during the previous five months;
  - iii. total cost of work undertaken during the previous five months;
  - iv. any problems encountered during the previous five months and the solutions thereto; and

v. the work that is expected to be performed during the next four-month period.

5. **SEP Completion Report.** Within thirty (30) days of completing the SEP and no later than May 31, 2020, Respondent shall submit a SEP Completion Report containing the information specified in Paragraph 13.b. of the CAFO.

6. **Compliance with Applicable Laws.** The completion of the SEP discussed in this Scope of Work shall not relieve the Respondent of its obligations to comply with all applicable provisions of federal, state, or local law.

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION I**

In the Matter of:	)	
	)	
Ahmad Alijabbari	)	Docket No. TSCA-01-2018-0061
	)	
	)	
Respondent	)	
	)	

**CERTIFICATE OF SERVICE**

I hereby certify that the foregoing Consent Agreement and Final Order has been sent to the following persons on the date noted below:


Original and One Copy,  
Hand Delivered:

Wanda Santiago  
Regional Hearing Clerk (Mail Code ORC 04-6)  
U.S. Environmental Protection Agency, Region 1  
5 Post Office Square, Suite 100  
Boston, MA 02109-3912

One Copy By First Class Mail  
and By PDF Email

Shane T. Wright, Esq.  
Norman, Hanson & DeTroy, LLC  
217 Main Street, Suite 100  
P.O. Box 7230  
Lewiston, ME 04243-7230

Dated: 7/25/2019

  
\_\_\_\_\_  
Peter DeCambre  
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