



1 40 C.F.R. Part 745, Subpart E – Residential Property Renovation (“Subpart E”).

2 2. Complainant is the Manager of the Toxics Section, Enforcement and Compliance  
3 Assurance Division, U.S. Environmental Protection Agency, Region IX, who has been duly  
4 delegated the authority to bring and settle this action under TSCA.

5 3. Respondent manages residential properties. At all times relevant to this CAFO,  
6 Respondent was registered to do conduct business in the State of California.

## 7 **II. APPLICABLE STATUTORY AND REGULATORY SECTIONS**

8 4. Pursuant to Section 402(a) and (c) of TSCA, 15 U.S.C. § 2682(a) and (c), Subpart E sets  
9 forth requirements for certification of individuals and firms engaged in lead-based paint  
10 activities and work practice standards for renovation, repair, and painting activities in target  
11 housing and child-occupied facilities.

12 5. Pursuant to Section 406(b) of TSCA, 15 U.S.C. § 2686(b), Subpart E requires a person  
13 who performs renovations for compensation in target housing and child-occupied facilities to  
14 provide a lead hazard information pamphlet to the owner and occupant before beginning the  
15 renovation.

16 6. “Firm” means a company, partnership, corporation, sole proprietorship, or individual  
17 doing business, association, or other business entity; a Federal, State, Tribal, or local  
18 government agency; or a nonprofit organization. 40 C.F.R. § 745.83.

19 7. “Painted surface” means a component surface covered in whole or in part with paint or  
20 other surface coatings. 40 C.F.R. § 745.83.

21 8. “Pamphlet” means the EPA pamphlet titled “Renovate Right: Important Lead Hazard

1 Information for Families, Child Care Providers and Schools” developed under Section 406(a)  
2 of TSCA for use in complying with Section 406(b) of TSCA, or any State or Tribal pamphlet  
3 approved by the EPA pursuant to 40 C.F.R. § 745.326 that is developed for the same purpose.  
4 40 C.F.R. § 745.83.

5 9. “Person” means any natural or judicial person including any individual, corporation,  
6 partnership, or association; any Indian Tribe, State, or political subdivision thereof; any  
7 interstate body; and any department, agency, or instrumentality of the Federal Government.  
8 40 C.F.R. § 745.83.

9 10. “Renovation” means the modification of any existing structure, or portion thereof, that  
10 results in the disturbance of painted surfaces, unless that activity is part of an abatement as  
11 defined by 40 C.F.R. § 745.223. The term “renovation” includes (but is not limited to): the  
12 removal, modification or repair of painted surfaces or painted components (e.g., modification  
13 of painted doors, surface restoration, window repair, surface preparation activity (such as  
14 sanding, scraping, or other such activities that may generate paint dust)); the removal of  
15 building components (e.g., walls, ceilings, plumbing windows); weatherization projects (e.g.,  
16 cutting holes in painted surfaces to install blown-in insulation or to gain access to attics  
17 planning thresholds to install weatherstripping), and interim controls that disturb painted  
18 surfaces. The term “renovation” does not include minor repair and maintenance activities.  
19 40 C.F.R. § 745.83.

20 11. “Renovator” means any individual who either performs or directs workers who perform  
21 renovations. A certified renovator is a renovator who has successfully completed a renovator

1 course accredited by the EPA or an EPA-authorized State or Tribal program. 40 C.F.R. § 745.83.

2 12. "Target housing" means any housing constructed prior to 1978, except housing for the  
3 elderly or persons with disabilities or any 0-bedroom dwelling (unless any child who is less than  
4 six years of age resides or is expected to reside in such housing). Section 401(17) of TSCA,  
5 15 U.S.C. § 2681(17).

6 13. No more than 60 days before beginning renovation activities in any residential dwelling  
7 unit of target housing, the firm performing the renovation must provide the owner of the unit  
8 with the "pamphlet," and either obtain from the owner a written acknowledgment that the  
9 owner has received the "pamphlet" or obtain a certificate of mailing of the "pamphlet" at least  
10 7 days prior to the renovation. 40 C.F.R. § 745.84(a)(1).

11 14. No more than 60 days before beginning renovation activities in any residential dwelling  
12 unit of target housing, if the owner does not occupy the dwelling unit, the firm performing the  
13 renovation must provide the adult occupant of the unit with the "pamphlet," and either obtain  
14 from the adult occupant a written acknowledgment that the occupant has received the  
15 pamphlet; or certify in writing that a pamphlet has been delivered to the dwelling and that the  
16 firm performing the renovation has been unsuccessful in obtaining a written acknowledgment  
17 from an adult occupant; or obtain a certificate of mailing of the "pamphlet" at least 7 days prior  
18 to the renovation. 40 C.F.R. § 745.84(a)(2).

19 15. Firms that perform renovations for compensation must apply to the EPA for certification  
20 to perform renovations. 40 C.F.R. § 745.89(a).

21 16. On or after April 22, 2010, no firm may perform a renovation without certification from

1 the EPA under 40 C.F.R. § 745.89(a) in target housing unless the renovation is performed in  
2 target housing that has been determined to be lead-free pursuant to 40 C.F.R. § 745.82(a).  
3 40 C.F.R. § 745.81(a)(2)(ii).

4 17. Firms performing renovations must ensure that a certified renovator is assigned to each  
5 renovation performed by the firm and discharges all of the certified renovator responsibilities  
6 identified in 40 C.F.R. § 745.90. 40 C.F.R. § 745.89(d)(2).

7 18. Firms performing renovations must retain and, if requested, make available to the EPA  
8 all records necessary to demonstrate compliance with this subpart for a period of 3 years  
9 following completion of the renovation. 40 C.F.R. § 745.86(a)

10 19. Firms performing renovations must retain documentation of compliance with the  
11 requirements of 40 C.F.R. § 745.85, including, but not limited to, the following documentation:  
12 a certified renovator was assigned to the project; a certified renovator provided on-the-job  
13 training for workers used on the project; a certified renovator performed or directed workers  
14 who performed all of the work practice tasks described in 40 C.F.R. § 745.85(a); and a certified  
15 renovator performed the post-renovation cleaning verification described in  
16 40 C.F.R. § 745.85(b). 40 C.F.R. § 745.86(b)(6).

17 20. Firms must post signs clearly defining the work area and warning occupants and other  
18 persons not involved in renovation activities to remain outside of the work area.  
19 40 C.F.R. § 745.85(a)(1).

20 21. For exterior renovations, firms must cover the ground with plastic sheeting or other  
21 disposable impermeable material extending 10 feet beyond the perimeter of surfaces

1 undergoing renovation or a sufficient distance to collect falling paint debris, whichever is  
2 greater, unless the property line prevents 10 feet of such ground covering.

3 40 C.F.R. § 745.85(a)(2)(ii)(C).

4 22. The use of machines designed to remove paint or other surface coatings through high-  
5 speed operation such as sanding, grinding, power planing, needle gun, abrasive blasting, or  
6 sandblasting, is prohibited on painted surfaces unless such machines have shrouds or  
7 containment systems and are equipped with a HEPA vacuum attachment to collect dust and  
8 debris at the point of generation. Machines must be operated so that no visible dust or release  
9 of air occurs outside the shroud or containment system. 40 C.F.R. § 745.85(a)(3)(ii).

10 23. Section 16(a) of TSCA, 15 U.S.C. § 2615(a), and the Civil Monetary Penalty Inflation  
11 Adjustment Rule at 40 C.F.R. Part 19, which implements the Federal Civil Penalties Inflation  
12 Adjustment Act of 1990, 28 U.S.C. § 2461, as amended, authorize civil penalties not to exceed  
13 \$48,512 per day for each violation of Section 409 of TSCA, 15 U.S.C. § 2689, that occurred after  
14 November 2, 2015, where penalties are assessed on or after December 27, 2023.

### 15 III. ALLEGATIONS

16 24. At all times relevant to this CAFO, Respondent was a “person,” as that term is defined at  
17 40 C.F.R. § 745.83.

18 25. At all times relevant to this CAFO, Respondent was a “firm,” as that term is defined at  
19 40 C.F.R. § 745.83.

20 26. At all times relevant to this CAFO, the property located at 97 Oceanside Drive, Daly City,  
21 California (“the Property”), was “target housing,” as that term is defined at Section 401 of TSCA,

1 15 U.S.C. § 2681.

2 27. During August of 2022, Respondent, acting as a property management company,  
3 contracted work to be performed for compensation at the Property on the exterior surface that  
4 disturbed more than 20 square feet of painted surfaces and were “renovations,” as that term is  
5 defined at 40 C.F.R. § 745.83 (“the Renovation”).

6 28. With respect to the Renovation conducted at the Property, Respondent did not qualify  
7 for any of the exceptions involving a lead-free determination identified in 40 C.F.R. § 745.82(a).

#### 8 INFORMATION DISTRIBUTION REQUIREMENTS

9 29. Paragraphs 1 through 28 of this CAFO are realleged and are incorporated herein by  
10 reference.

11 30. Respondent did not provide an adult occupant of the Property with the “pamphlet”  
12 prior to the Renovation.

13 31. Respondent’s failure to provide the adult occupant(s) of the Property with the  
14 “pamphlet” no more than 60 days before beginning renovation activities, constitutes a violation  
15 of 40 C.F.R. § 745.84(a)(2), and Section 409 of TSCA, 15 U.S.C. § 2689.

#### 16 FIRM CERTIFICATION

17 32. Paragraphs 1 through 31 of this CAFO are realleged and are incorporated herein by  
18 reference.

19 33. At the time of the Renovation, Respondent had not applied to the EPA for a certification  
20 to perform renovations or dust sampling in target housing.

21 34. Respondent’s failure to apply for certification and be certified to perform renovations

1 for compensation in target housing at the time of the Renovation constitutes a violation of  
2 40 C.F.R. § 745.81(a)(2)(ii), 40 C.F.R. § 745.89(a), and Section 409 of TSCA, 15 U.S.C. § 2689.

### 3 FIRM RESPONSIBILITIES

4 35. Paragraphs 1 through 34 of this CAFO are realleged and are incorporated herein by  
5 reference.

6 36. Respondent did not ensure that a certified renovator was assigned to the Renovation  
7 and discharged all the certified renovator responsibilities identified in 40 C.F.R. § 745.90.

8 37. Respondent's failure to ensure that a certified renovator was assigned to the  
9 Renovation and discharged all the certified renovator responsibilities identified in  
10 40 C.F.R. § 745.90, constitutes a violation of 40 C.F.R. § 745.89(d)(2), and Section 409 of TSCA,  
11 15 U.S.C. § 2689.

### 12 RECORDKEEPING REQUIREMENTS

13 38. Paragraphs 1 through 37 of this CAFO are realleged and are incorporated herein by  
14 reference.

15 39. Respondent did not retain documentation for the Renovation that: a certified renovator  
16 was assigned to the renovation; a certified renovator provided on-the-job training for workers  
17 used on the renovations; a certified renovator performed or directed workers who performed  
18 all of the work practice tasks described in 40 C.F.R. § 745.85(a); and a certified renovator  
19 performed the post-renovation cleaning verifications described in 40 C.F.R. § 745.85(b).

20 40. Respondent's failure to retain or make available the documentation listed directly  
21 above, for the Renovation, constitutes a violation of 40 C.F.R. § 745.86(a), and Section 409 of



1 TSCA, 15 U.S.C. § 2689.

2 WORK PRACTICE STANDARDS: STANDARDS FOR RENOVATION ACTIVITIES

3 41. Paragraphs 1 through 40 of this CAFO are realleged and are incorporated herein by  
4 reference.

5 42. During the Renovation at the Property, Respondent's worker did not post warning signs  
6 that clearly defined the work area and warning occupants and other persons not involved in  
7 renovation activities to remain outside of the work area.

8 43. Respondent's failure to post warning signs clearly defining the work area and warning  
9 occupants and other persons not involved in renovation activities to remain outside of the work  
10 area during the Renovation, constitutes a violation of 40 C.F.R. § 745.85(a)(1), and Section 409  
11 of TSCA, 15 U.S.C. § 2689.

12 WORK PRACTICE STANDARDS: STANDARDS FOR RENOVATION ACTIVITIES

13 44. Paragraphs 1 through 43 of this CAFO are realleged and are incorporated herein by  
14 reference.

15 45. During the Renovation, Respondent's worker did not ensure that the ground was  
16 covered with plastic sheeting or other disposable impermeable material extending 10 feet  
17 beyond the perimeter of surfaces undergoing renovation.

18 46. Respondent's failure to contain the work area during the Renovation and cover the  
19 ground with plastic sheeting or other disposable impermeable material extending 10 feet  
20 beyond the perimeter of surfaces undergoing renovation, constitutes a violation of  
21 40 C.F.R. § 745.85(a)(2)(ii)(C), and Section 409 of TSCA, 15 U.S.C. § 2689.



1 AND TWENTY-TWO DOLLARS (\$822) as final settlement of the civil claims against Respondent  
2 arising under TSCA as alleged in Section III of this CAFO.

3 52. The assessed penalty was calculated based on Respondent's ability to pay and  
4 Respondent's ability to continue to do business. Any false statement made to the EPA may  
5 result in voiding Section V of this CAFO.

6 53. Respondent shall pay the assessed penalty no later than thirty (30) calendar days from  
7 the effective date of this CAFO. The assessed penalty shall be paid by certified or cashier's  
8 check, including the name and docket number of this matter, payable to "Treasurer, United  
9 States of America," or paid by one of the other methods listed below and sent as follows:

10 **Regular Mail:**

11  
12 U.S. Environmental Protection Agency  
13 Fines and Penalties  
14 Cincinnati Finance Center  
15 PO Box 979077  
16 St. Louis, MO 63197-9000

17 **Wire Transfers:**

18  
19 Wire transfers must be sent directly to the Federal Reserve Bank in New York City with the  
20 following information:

21  
22 Federal Reserve Bank of New York  
23 ABA = 021030004  
24 Account = 68010727  
25 SWIFT address = FRNYUS33  
26 33 Liberty Street  
27 New York, NY 10045  
28 Field Tag 4200 of the Fedwire message should read  
29 "D 68010727 Environmental Protection Agency"

1 **Overnight Mail:**

2  
3 U.S. Bank  
4 1005 Convention Plaza  
5 Mail Station SL-MO-C2GL  
6 ATTN Box 979077  
7 St. Louis, MO 63101

8 **ACH** (also known as REX or remittance express):

9  
10 US Treasury REX/Cashlink ACH Receiver ABA = 051036706  
11 Account Number: 310006, Environmental Protection Agency  
12 CTX Format Transaction Code 22 - checking  
13 Physical location of US Treasury Facility  
14 5700 Rivertech Court  
15 Riverdale, MD 20737  
16 Remittance Express (REX) 1-866-234-5681

17 **Online Payment:**

18  
19 This payment option can be accessed from the information below:  
20 [www.pay.gov](http://www.pay.gov)  
21 Enter "sfo1.1" in the search field  
22 Open form and complete required fields

23 If clarification regarding a particular method of payment remittance is needed, contact  
24 the EPA Cincinnati Finance Center at (513) 487-2091.

25 Concurrently, a copy of each check or notification that the payment has been made by  
26 one of the other methods listed above, including proof of the date payment was made, shall be  
27 sent with a transmittal letter indicating Respondent's name, the case title, and the docket  
28 number to the following addresses:

29 Regional Hearing Clerk:  
30 [R9HearingClerk@epa.gov](mailto:R9HearingClerk@epa.gov)

31 Brandon Boatman:  
32 [boatman.brandon@epa.gov](mailto:boatman.brandon@epa.gov)

1 U.S. Environmental Protection Agency  
2 Cincinnati Finance Center  
3 CINWD\_AcctsReceivable@epa.gov  
4

5 54. Payment of the above civil administrative penalty shall not be used by Respondent or  
6 any other person as a tax deduction from Respondent's federal, state, or local taxes.

7 55. If Respondent fails to pay the assessed civil administrative penalty specified in  
8 Paragraph 51 by the manner and deadlines specified in Paragraph 53, then the entire remaining  
9 balance of the assessed penalty shall immediately become due and payable. Respondent also  
10 shall pay to the EPA a stipulated penalty of \$100 per day for each day that payment is late in  
11 addition to the assessed penalty. Stipulated penalties shall accrue until such time as the  
12 assessed penalty and all accrued stipulated penalties are paid and shall become due and  
13 payable upon written request by the EPA. In addition, failure to pay the civil administrative  
14 penalty by the manner and deadlines specified in Paragraph 53 may lead to any or all of the  
15 following actions:

16 a. The debt being referred to a credit reporting agency, a collection agency, or to  
17 the Department of Justice for filing of a collection action in the appropriate  
18 United States District Court. 40 C.F.R. §§ 13.13, 13.14, and 13.33. In any such  
19 collection action, the validity, amount, and appropriateness of the assessed  
20 penalty and of this CAFO shall not be subject to review.

21 b. The debt being collected by administrative offset (i.e., the withholding of money  
22 payable by the United States to, or held by the United States for, a person to  
23 satisfy the debt the person owes the Government), which includes, but is not

1 limited to, referral to the Internal Revenue Service for offset against income tax  
2 refunds. 40 C.F.R. Part 13, Subparts C and H.

3 c. The EPA may (i) suspend or revoke Respondent's licenses or other privileges; or  
4 (ii) suspend or disqualify Respondent from doing business with the EPA or  
5 engaging in programs the EPA sponsors or funds. 40 C.F.R. § 13.17.

6 d. In accordance with the Debt Collection Act of 1982 and 40 C.F.R. Part 13,  
7 interest, penalties charges, and administrative costs will be assessed against the  
8 outstanding amount that Respondent owes to the EPA for Respondent's failure  
9 to pay in full the assessed civil administrative penalty by the deadlines specified  
10 in Paragraph 53. Interest will be assessed at an annual rate that is equal to the  
11 rate of current value of funds to the United States Treasury (i.e., the Treasury tax  
12 and loan account rate) as prescribed and published by the Secretary of the  
13 Treasury in the Federal Register and the Treasury Fiscal Requirements Manual  
14 Bulletins. 40 C.F.R. § 13.11(a)(1). Penalty charges will be assessed monthly at a  
15 rate of 6% per annum. 40 C.F.R. § 13.11(c). Administrative costs for handling and  
16 collecting Respondent's overdue debt will be based on either actual or average  
17 cost incurred and will include both direct and indirect costs. 40 C.F.R. § 13.11(b).  
18 In addition, if this matter is referred to another department or agency (e.g., the  
19 Department of Justice, the Internal Revenue Service), that department or agency  
20 may assess its own administrative costs, in addition to the EPA's administrative  
21 costs, for handling and collecting Respondent's overdue debt.

1 **VI. RESPONDENT'S CERTIFICATION**

2 56. In executing this CAFO, Respondent certifies that it is now fully in compliance with the  
3 federal regulations promulgated at 40 C.F.R. Part 745, Subpart E.

4 57. In executing this CAFO, Respondent certifies it is no longer managing the property  
5 located at 97 Oceanside Drive, Daly City, California.

6 58. In executing this CAFO, Respondent certifies it will not perform or cause the  
7 performance of a "renovation," as defined in 40 C.F.R. § 745.83, in any "target housing," as that  
8 term is defined at Section 401 of TSCA, 15 U.S.C. § 2681, for any target housing under the  
9 management of Respondent without first attaining certification from the EPA under  
10 40 C.F.R. § 745.89(a), and without ensuring that such renovation is performed in compliance  
11 with the requirements of 40 C.F.R. Pt. 745, Subpart E, by a Certified Firm using a Certified  
12 Renovator.

13 **VII. RETENTION OF RIGHTS**

14 59. In accordance with 40 C.F.R. § 22.18(c), this CAFO only resolves Respondent's liability for  
15 federal civil penalties for the violations and facts specifically alleged in Section III of this CAFO.  
16 Nothing in this CAFO is intended to or shall be construed to resolve (i) any civil liability for  
17 violations of any provision of any federal, state, or local law, statute, regulation, rule,  
18 ordinance, or permit not specifically alleged in Section III of this CAFO; or (ii) any criminal  
19 liability. The EPA specifically reserves any and all authorities, rights, and remedies available to it  
20 (including, but not limited to, injunctive or other equitable relief or criminal sanctions) to  
21 address any violation of this CAFO or any violation not specifically alleged in Section III of this

1 CAFO.

2 60. This CAFO does not exempt, relieve, modify, or affect in any way Respondent's duty to  
3 comply with all applicable federal, state, and local laws, regulations, rules, ordinances, and  
4 permits.

5 **VIII. ATTORNEYS' FEES AND COSTS**

6 61. Each party shall bear its own attorneys' fees, costs, and disbursements incurred in this  
7 proceeding.

8 **IX. EFFECTIVE DATE**

9 62. In accordance with 40 C.F.R. §§ 22.18(b)(3) and 22.31(b), this CAFO shall be effective on  
10 the date that the Final Order accompanying this Consent Agreement, having been approved  
11 and issued by either the Regional Judicial Officer or Regional Administrator, is filed.

12 **X. BINDING EFFECT**

13 63. The undersigned representative of Complainant and the undersigned representative of  
14 Respondent each certifies that he or she is fully authorized to enter into the terms and  
15 conditions of this CAFO and to bind the party he or she represents to this CAFO.

16 64. The provisions of this CAFO shall apply to and be binding upon Respondent and its  
17 officers, directors, employees, agents, trustees, servants, authorized representatives,  
18 successors, and assigns.

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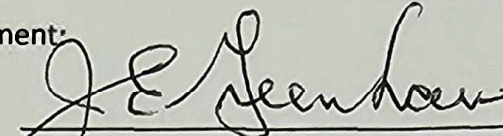
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FOR RESPONDENT, MP Property Management:

5/10/2024

DATE



Jim Greenshaw  
Chief Executive Officer  
MP Property Management

FOR COMPLAINANT, U.S. ENVIRONMENTAL PROTECTION AGENCY, REGION IX:

6/11/2024

DATE

Matt Salazar Digitally signed by Matt Salazar  
Date: 2024.06.11 13:22:42 -07'00'

Matt Salazar, PE  
Manager, Toxics Section  
Enforcement and Compliance Assurance Division  
U.S. Environmental Protection Agency, Region IX

In the Matter of: *MP Property Management*  
Consent Agreement and Final Order

**FINAL ORDER**

Complainant and Respondent, having entered into the foregoing Consent Agreement,

IT IS HEREBY ORDERED that this Consent Agreement and Final Order (Docket No. TSCA-09-2024-0045) be entered, and that Respondent shall pay a civil administrative penalty in the amount of EIGHT HUNDRED AND TWENTY-TWO DOLLARS (\$822) and comply with the terms and conditions set forth in the Consent Agreement. This Consent Agreement and Final Order shall become effective upon filing.

\_\_\_\_\_  
DATE

\_\_\_\_\_  
Beatrice Wong  
Regional Judicial Officer  
U.S. Environmental Protection Agency, Region IX

1 **CERTIFICATE OF SERVICE**

2 I hereby certify that the foregoing Consent Agreement and Final Order in the matter of MP  
3 Property Management (Docket No. TSCA-09-2024-0045) was filed with the Regional Hearing  
4 Clerk, and that a true and correct copy of the same was sent to the following parties via  
5 electronic mail, as indicated below:

6 **RESPONDENT:** James Greenhaw  
7 Chief Executive Officer  
8 MP Property Management  
9 1108 Tahoe Drive  
10 Belmont, CA 94002  
11 Jimmpproperty@yahoo.com

12 **COMPLAINANTS:** Nathaniel Moore  
13 Assistant Regional Counsel  
14 U.S. EPA – Region IX  
15 75 Hawthorne Street, ORC-2-2  
16 San Francisco, CA 94105  
17 Moore.Nathaniel@epa.gov

18 \_\_\_\_\_  
19 Ponly Tu  
20 Regional Hearing Clerk  
21 U.S. EPA - Region IX  
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