



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8

1595 Wynkoop Street  
Denver, CO 80202-1129  
Phone 800-227-8917  
www.epa.gov/region08

Ref: 8ORC-LE-R

**SENT VIA CERTIFIED U.S. MAIL**  
**RETURN RECEIPT REQUESTED**

Donald Paul Quillen  
Denver Paint Company, LLC  
3839 Allison Circle  
Wheat Ridge, Colorado 80033

September 14, 2021

9:51 AM

Re: Complaint and Notice of Opportunity for Hearing  
EPA Docket No. TSCA-08-2021-0009  
ECN: 900.0008.2020\_DenverPaint

Received by  
EPA Region VIII  
Hearing Clerk

Dear Mr. Quillen:

Enclosed please find a copy of the Complaint and Notice of Opportunity for Hearing (Complaint) filed today with the EPA Region 8 Regional Hearing Clerk concerning alleged violations by Denver Paint Company, LLC (DPC), of section 409 of the Toxic Substances Control Act (TSCA), 15 U.S.C. § 2689, which seeks to control exposure to lead-based paint hazards in residential housing. DPC should read and analyze the Complaint carefully to determine the alternatives available to DPC in responding to the alleged violations, proposed penalty, and compliance requirements.

The Complaint states that DPC failed to obtain initial firm certification, failed to ensure a certified renovator performed or directed work, and failed to establish, maintain, or to make available records necessary to demonstrate compliance with all lead-safe work practices

**DPC must file an Answer to this Complaint within thirty (30) days of its receipt.** The Answer must specifically respond to each of the allegations in the Complaint. DPC's failure to respond to this Complaint by a specific Answer within thirty (30) days of your receipt of the Complaint will constitute an admission of the Complaint's allegations. If DPC fails to file an Answer, the EPA will file a Motion for a Default Order. This could result in the issuance of a Default Order imposing the Complaint's proposed penalty without further proceedings.

DPC may choose to request a hearing to contest any matter set forth in the Complaint. DPC must include its hearing request in its Answer to this Complaint. Whether or not DPC requests a hearing, DPC may ask for an informal settlement conference to discuss resolution of this case.

I am the EPA attorney assigned to this case. If DPC is represented by legal counsel, DPC's counsel can contact me to request an informal settlement conference or for any other reason by

mail at the following address:

Marc Weiner  
Senior Assistant Regional Counsel (Mail Code: 8ORC-LE-R)  
U.S. Environmental Protection Agency  
1595 Wynkoop Street  
Denver, CO 80202-1129

My telephone number is (303) 312-6913 and my email address is [weiner.marc@epa.gov](mailto:weiner.marc@epa.gov). If DPC is not represented by an attorney, you may still contact me knowing that you have the right to be represented by counsel, or may contact Britta Copt, EPA's technical representative in this matter, at (303) 312-6229 or her email address which is [copt.britta@epa.gov](mailto:copt.britta@epa.gov).

To the extent that DPC qualifies as a “small business” under the Small Business Regulatory Enforcement and Fairness Act (SBREFA), enclosed is an *Information for Small Businesses* sheet, which provides information on compliance assistance and on contacting the SBREFA Ombudsman to comment on federal enforcement and compliance activities. Any decision to participate in such program or to seek compliance assistance does not constitute a request for a settlement conference, relieve DPC of its obligation to file a timely answer to the Complaint, or create for DPC any new rights or defenses under law. Nor will such an action affect the EPA’s enforcement of the Complaint. To preserve DPC’s legal rights, DPC must comply with all rules governing the administrative enforcement process, as set forth in the Consolidated Rules of Practice in 40 C.F.R. Part 22. The SBREFA Ombudsman does not participate in the resolution of the EPA’s enforcement action.

Also enclosed is a copy of 40 C.F.R. Part 22, *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)*. The *Consolidated Rules* govern EPA’s administrative adjudicatory proceedings such as the filing of the enclosed complaint against DPC and any subsequent assessment of an administrative civil penalty.

Sincerely,

Marc Weiner,  
Senior Assistant Regional Counsel

Enclosures:

- 1) Administrative Penalty Complaint
- 2) SBREFA Information Sheet
- 3) 40 C.F.R part 22 Consolidated Rules
- 4) TSCA RRP Penalty Policy
- 5) Proposed Penalty Summary