

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5**

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| In the Matter of: |) | Docket No. TSCA-05-2023-0002 |
| |) | |
| S&T Construction Corp. |) | Proceeding to Assess a Civil |
| Tinley Park, Illinois |) | Penalty Under Section 16(a) of the |
| |) | Toxic Substances Control Act, |
| Respondent. |) | 15 U.S.C. § 2615(a) |
| <hr/> |) | |

Consent Agreement and Final Order

Preliminary Statement

1. This is an administrative action commenced and concluded under Section 16(a) of the Toxic Substances Control Act (TSCA), 15 U.S.C. § 2615(a), and Sections 22.1(a)(5), 22.13(b), and 22.18(b)(2) and (3) of the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits (Consolidated Rules), as codified at 40 C.F.R. Part 22.

2. The Complainant is, by lawful delegation, the Director of the Enforcement and Compliance Assurance Division, U.S. Environmental Protection Agency (EPA), Region 5.

3. Respondent is S&T Construction Corp., with a place of business located at 8906 Turnberry Lane, Tinley Park, Illinois 60487.

4. Where the parties agree to settle one or more causes of action before the filing of a complaint, the administrative action may be commenced and concluded simultaneously by the issuance of a consent agreement and final order (CAFO). 40 C.F.R. § 22.13(b).

5. The parties agree that settling this action without the filing of a complaint or the adjudication of any issue of fact or law is in their interest and in the public interest.

6. Respondent consents to the terms of this CAFO, including the assessment of the civil penalty specified below.

Jurisdiction and Waiver of Right to Hearing

7. Respondent admits the jurisdictional allegations set forth in this CAFO.

8. Respondent neither admits nor denies the specific factual allegations and legal conclusions set forth in this CAFO.

9. Respondent waives any and all remedies, claims for relief, and otherwise available rights to judicial or administrative review that Respondent may have with respect to any issue of fact or law set forth in this CAFO, including its right to request a hearing or petition for judicial review under Section 16(a) of TSCA, 15 U.S.C. § 2615(a), and under 40 C.F.R. § 22.15(c), its right to seek federal judicial review of the CAFO pursuant to Chapter 7 of the Administrative Procedure Act, 5 U.S.C. §§ 701–06, any right to contest the allegations in this CAFO, and its right to appeal this CAFO. Respondent also consents to the issuance of this CAFO without further adjudication.

Statutory and Regulatory Background

10. In promulgating the Residential Lead-Based Paint Hazard Reduction Act of 1992, Pub. L. No. 102-550, Oct. 28, 1998 (Title X), Congress found, among other things, that low-level lead poisoning was widespread among American children, afflicting as many as 3,000,000 children under age six (6); at low levels, lead poisoning in children causes intelligence quotient deficiencies, reading and learning disabilities, impaired hearing, reduced attention span, hyperactivity, and behavior problems; and the ingestion of household dust containing lead from deteriorating or abraded lead-based paint is the most common cause of lead poisoning in children. A key component of the national strategy to reduce and eliminate the threat of

childhood lead poisoning is to educate the public concerning the hazards and sources of lead-based paint poisoning and steps to reduce and eliminate such hazards. *See* 42 U.S.C. § 4851.

11. Section 1021 of the Residential Lead-Based Paint Hazard Reduction Act of 1992 amended TSCA, 15 U.S.C. § 2601 *et seq.*, by adding Subchapter IV, entitled Lead Exposure Reduction, at 15 U.S.C. §§ 2681–92.

12. Section 402(a) of TSCA, 15 U.S.C. § 2682(a), requires the Administrator of EPA to promulgate regulations to ensure that individuals engaged in lead-based paint activities are properly trained; that training programs are accredited; that contractors engaged in such activities are certified; and that such regulations contain standards for performing lead-based paint activities, taking into account reliability, effectiveness, and safety.

13. Section 402(c) of TSCA, 15 U.S.C. § 2682(c), requires the Administrator of EPA to promulgate guidelines for the conduct of Renovation, Repair and Painting (RRP) activities to reduce the risk of exposure to lead in connection with renovation and remodeling of target housing and public buildings built before 1978, and commercial buildings, and to revise the regulations under Section 402(a) of TSCA to apply those regulations to renovation or remodeling activities in target housing, public buildings constructed before 1978, and commercial buildings that create lead-based paint hazards.

14. Section 406(b) of TSCA, 15 U.S.C. § 2686(b), requires the Administrator of EPA to promulgate regulations to require each person who performs for compensation renovation of target housing to provide a lead hazard information pamphlet to the owner and occupant of such housing prior to commencing the renovation.

15. Section 407 of TSCA, 15 U.S.C. § 2687, requires the regulations promulgated by the Administrator of EPA under Subchapter IV to include such recordkeeping and reporting

requirements as may be necessary to insure the effective implementation of the TSCA Lead Exposure Reduction requirements, 15 U.S.C. §§ 2681–92.

16. Section 11 of TSCA, 15 U.S.C. § 2610, provides EPA with authority to conduct inspections upon the presentation of appropriate credentials and written notice.

17. Under Section 409 of TSCA, 15 U.S.C. § 2689, it shall be unlawful for any person to fail or refuse to comply with any rule or order issued under Subchapter IV, 15 U.S.C. §§ 2681–92. *See also* 40 C.F.R. § 745.87.

18. Under Section 15 of TSCA, 15 U.S.C. § 2614, it shall be unlawful for any person to fail or refuse to establish and maintain records, submit reports, notices, or other information, or permit access to or copying of records, as required by TSCA or a rule thereunder. *See also* 40 C.F.R. § 745.87.

19. Pursuant to Sections 402, 406, and 407 of TSCA, 15 U.S.C. §§ 2682, 2686, and 2687, EPA promulgated the residential property renovation regulations at 40 C.F.R. Part 745, Subpart E (Subpart E), prescribing procedures and requirements for: the accreditation of renovator training programs; certification of individuals and firms engaged in lead-based paint activities; work practice standards for renovation, repair and painting activities in target housing and child-occupied facilities; and recordkeeping to demonstrate compliance with work practice standards. 73 Fed. Reg. 21691 (Apr. 22, 2008).

20. 40 C.F.R. § 745.82(a) provides that Subpart E applies to all renovations performed for compensation in target housing and child-occupied facilities, with certain exceptions not relevant here.

21. 40 C.F.R. § 745.83 defines *firm* to mean a company, partnership, corporation, sole proprietorship, or individual doing business, association, or other business entity; a Federal, State, Tribal, or local government agency; or a nonprofit organization.

22. 40 C.F.R. § 745.83 defines *pamphlet* to mean the EPA pamphlet titled *Renovate Right: Important Lead Hazard Information for Families, Child Care Providers and Schools* developed under Section 406(a) of TSCA for use in complying with Section 406(b) of TSCA, or any State or Tribal pamphlet approved by EPA pursuant to 40 C.F.R. §745.326 that is developed for the same purpose. This includes reproductions of the pamphlet when copied in full and without revisions or deletion of material from the pamphlet (except for the addition or revision of State or local sources of information).

23. 40 C.F.R. §745.83 defines *renovation* to mean the modification of any existing structure, or portion thereof, that results in the disturbance of painted surfaces, unless that activity is performed as part of an abatement as defined by this part (40 C.F.R. § 745.223). The term renovation includes (but is not limited to): the removal, modification or repair of painted surfaces or painted components; the removal of building components; weatherization projects; and interim controls that disturb painted surfaces.

24. 40 C.F.R. § 745.83 defines *renovator* to mean an individual who either performs or directs workers who perform renovations. A certified renovator is a renovator who has successfully completed a renovator course accredited by EPA or an EPA authorized State or Tribal Program.

25. 40 C.F.R. § 745.103 defines *target housing* to mean any housing constructed prior to 1978, except housing for the elderly or persons with disabilities (unless any child who is less

than six (6) years of age resides or is expected to reside in such housing) or any zero-bedroom dwelling.

26. Under 15 U.S.C. § 2689 and 40 C.F.R. § 745.87(a), failing to comply with any requirement of Subpart E, violates Section 409 of TSCA, 15 U.S.C. § 2689, which may subject the violator to administrative penalties under Section 16(a) of TSCA, 15 U.S.C. § 2615(a) and 40 C.F.R. § 745.87(d).

27. Section 16(a) of TSCA, 15 U.S.C. § 2615(a), 40 C.F.R. § 745.87(d), and 40 C.F.R. Part 19, authorize the Administrator of EPA to assess a civil penalty of up to \$46,989 per violation for each day of violation of Sections 15 and 409 of TSCA that occurred after November 2, 2015, where penalties are assessed on or after January 6, 2023.

General Allegations

28. Complainant incorporates paragraphs 1 through 27 of this CAFO as if set forth in this paragraph.

29. At all times relevant to this CAFO, Respondent was a corporation with a place of business located at 8906 Turnberry Lane, Tinley Park, Illinois 60487.

30. At all times relevant to this CAFO, Respondent, being a corporation, was a *firm* as defined by 40 C.F.R. § 745.83.

31. Complainant issued a request for information to Respondent, dated February 4, 2021, seeking, among other things, a copy of the renovator certification showing completion of an EPA accredited training course, a copy of the firm certification received by EPA, copies of all contracts and/or agreements for renovation (contracts), copies of all acknowledgement of receipt of a pamphlet by the owners and occupants of residential housing, and documentation related to the renovation showing that: (1) a certified renovator was assigned to the project; (2)

the certified renovator provided on the job training for workers used on the project; (3) the certified renovator performed or directed workers who posted signs clearly defining the work area, performed containment activities, including identifying and isolating the work area so that no dust or debris left the work area, maintained the integrity of containment; and (4) the certified renovator performed post-renovation cleaning verification.

32. Complainant issued a subpoena duces tecum to Respondent, dated March 16, 2022, under the authority of Section 11(c) of TSCA, 15 U.S.C. § 2610(c), seeking, among other things, a copy of the renovator certification showing completion of an EPA accredited training course, a copy of the firm certification received by EPA, copies of all contracts and/or agreements for renovation (contracts), and copies of all acknowledgements of receipt of a pamphlet by the owners and occupants of residential housing.

33. On July 9, 2021, August 10, 2021, April 20, 2022, May 14, 2022, July 21, 2022, and August 26, 2022, Respondent corresponded with Complainant and provided Complainant some documents via electronic mail responsive to the request for information and subpoena duces tecum referenced in paragraphs 31 and 32 respectively.

34. Respondent was hired and paid by Artesian Commons LLC to be the general contractor of a renovation project located at 11021-45 S. Artesian Avenue, Chicago, Illinois 60622 that occurred approximately between March 2020 and July 2022.

35. 11021-45 S. Artesian Avenue, Chicago, Illinois 60622 is a multi-family residential building with 28 residential dwelling units that was built in 1956, and is therefore *target housing* as defined in 40 C.F.R. § 745.103.

36. Each of the 28 residential dwelling units of the multi-family residential building located at 11021-45 S. Artesian Avenue, Chicago, Illinois 60622 is owned by Artesian

Commons LLC.

37. Two (2) of the 28 residential dwelling units of the multi-family residential building were occupied at times during the renovation project that occurred approximately between March 2020 and July 2022, as detailed in the table below:

| Line No. | Residential Property Address 11021-45 S. Artesian Avenue, Chicago, Illinois 60622 | Residence Type | Built Year | Occupancy |
|-----------------|--|-----------------------|-------------------|------------------|
| 1 | 11025-1N | Multi-Family | 1956 | Occupied |
| 2 | 11025-2N | Multi-Family | 1956 | Occupied |

38. Between approximately March 2020 and July 2022, Respondent, as the general contractor, directed and oversaw workers that performed work at 26 residential dwelling units of the multi-family residential building located at 11021-45 S. Artesian Avenue, Chicago, Illinois 60622, including but not limited to, window replacements (Window Replacement), and other interior renovations including dry wall replacement, baseboard replacement, kitchen cabinet replacement, and painting of walls and ceilings (Interior Renovations) at each residential dwelling unit, as further detailed in the table below:

| Line No. | Residential Property Address 11021-45 S. Artesian Ave. Chicago, IL 60622 | Residence Type | Built Year | Occupancy | Contracted Work |
|-----------------|---|-----------------------|-------------------|------------------|--|
| 1 | 11021-2W | Multi-Family | 1956 | Vacant | Interior Renovation and Window Replacement |
| 2 | 11021-1W | Multi-Family | 1956 | Vacant | Interior Renovation and Window Replacement |
| 3 | 11021-2E | Multi-Family | 1956 | Vacant | Interior Renovation and Window Replacement |
| 4 | 11021-1E | Multi-Family | 1956 | Vacant | Interior Renovation and Window Replacement |
| 5 | 11025-2S | Multi-Family | 1956 | Vacant | Interior Renovation and Window Replacement |
| 6 | 11025-1S | Multi-Family | 1956 | Vacant | Interior Renovation and Window Replacement |
| 7 | 11029-2W | Multi-Family | 1956 | Vacant | Interior Renovation and Window Replacement |
| 8 | 11029-1W | Multi-Family | 1956 | Vacant | Interior Renovation and Window Replacement |
| 9 | 11029-2E | Multi-Family | 1956 | Vacant | Interior Renovation and Window Replacement |
| 10 | 11029-1E | Multi-Family | 1956 | Vacant | Interior Renovation and Window Replacement |

| | | | | | |
|----|----------|--------------|------|--------|--|
| 11 | 11033-2S | Multi-Family | 1956 | Vacant | Interior Renovation and Window Replacement |
| 12 | 11033-1S | Multi-Family | 1956 | Vacant | Interior Renovation and Window Replacement |
| 13 | 11033-2N | Multi-Family | 1956 | Vacant | Interior Renovation and Window Replacement |
| 14 | 11033-1N | Multi-Family | 1956 | Vacant | Interior Renovation and Window Replacement |
| 15 | 11037-2W | Multi-Family | 1956 | Vacant | Interior Renovation and Window Replacement |
| 16 | 11037-1W | Multi-Family | 1956 | Vacant | Interior Renovation and Window Replacement |
| 17 | 11037-2E | Multi-Family | 1956 | Vacant | Interior Renovation and Window Replacement |
| 18 | 11037-1E | Multi-Family | 1956 | Vacant | Interior Renovation and Window Replacement |
| 19 | 11041-2N | Multi-Family | 1956 | Vacant | Interior Renovation and Window Replacement |
| 20 | 11041-1N | Multi-Family | 1956 | Vacant | Interior Renovation and Window Replacement |
| 21 | 11041-2S | Multi-Family | 1956 | Vacant | Interior Renovation and Window Replacement |
| 22 | 11041-1S | Multi-Family | 1956 | Vacant | Interior Renovation and Window Replacement |
| 23 | 11045-2W | Multi-Family | 1956 | Vacant | Interior Renovation and Window Replacement |
| 24 | 11045-1W | Multi-Family | 1956 | Vacant | Interior Renovation and Window Replacement |
| 25 | 11045-2E | Multi-Family | 1956 | Vacant | Interior Renovation and Window Replacement |
| 26 | 11045-1E | Multi-Family | 1956 | Vacant | Interior Renovation and Window Replacement |

39. Between approximately March 2020 and July 2022, the work performed at the multi-family residential building located at 11021-45 S. Artesian Avenue, Chicago, Illinois 60622 included window replacements in common areas, specifically in the courtyard and hallways between units.

40. At the 26 residential dwelling units referenced in paragraph 38 and in common areas referenced in paragraph 39 of the multi-family residential building located at 11021-45 S. Artesian Avenue, Chicago, Illinois 60622, Respondent performed or directed to perform modifications of existing structures that resulted in disturbance of painted surfaces and were, therefore, *renovations* as defined in 40 C.F.R. § 745.83.

41. Respondent performed renovations for compensation at target housing and therefore, pursuant to 40 C.F.R. § 745.82(a), Subpart E applied to the renovations described in paragraphs 38 and 39.

Count 1 – Failure to Apply for and Obtain Firm Certification

42. Complainant incorporates paragraphs 1 through 41 of this CAFO as if set forth in this paragraph.

43. 40 C.F.R. § 745.81(a)(2)(ii) requires that on or after April 22, 2010, no firm may perform, offer, or claim to perform renovations without certification from EPA under 40 C.F.R. § 745.89 in target housing or child occupied facilities, unless the renovation qualifies for one of the exceptions identified in 40 C.F.R. § 745.82(a).

44. 40 C.F.R. § 745.89(a) requires that firms that perform renovations for compensation must apply to EPA for certification to perform renovations or dust sampling.

45. Respondent failed to apply to EPA for certification and performed and offered to perform renovations without certification from EPA under 40 C.F.R. § 745.89, during each renovation described in paragraphs 38 and 39, and did not qualify for an exemption under 40 C.F.R. § 745.82(a).

46. Respondent's performance of, and offer to perform, each renovation described in paragraphs 38 and 39, without applying for and obtaining certification from EPA constitutes one (1) violation of 40 C.F.R. § 745.81(a)(2)(ii), 40 C.F.R. § 745.89(a), 40 C.F.R. § 745.87(a), and 15 U.S.C. § 2689.

Count 2 – Failure to Obtain Written Acknowledgement From the Owner of the Dwelling Units of the Multi-Family Building

47. Complainant incorporates paragraphs 1 through 41 of this CAFO as if set forth in this paragraph.

48. 40 C.F.R. §745.84(a)(1)(i) and (ii) require firms to obtain, from the owner of the residential dwelling unit, a written acknowledgement that the owner has received the pamphlet, or to obtain a certificate of mailing at least seven (7) days prior to the renovation.

49. Respondent performed renovations at the 26 residential dwelling units described in paragraph 38 and failed to obtain from Artesian Commons LLC the written acknowledgement that Artesian Commons LLC had received the pamphlet, or to obtain a certificate of mailing at least seven (7) days prior to the renovation pursuant to 40 C.F.R. § 745.84(a)(1).

50. Respondent's failure to obtain from the owner of the 26 residential dwelling units described in paragraph 38 the written acknowledgement that the owner had received the pamphlet, or to obtain a certificate of mailing at least seven (7) days prior to the renovation constitutes one (1) violation of 40 C.F.R. § 745.84(a)(1) and 15 U.S.C. § 2689.

Count 3 – Failure to Provide the Owner of the Dwelling Units of the Multi-Family

Building with the Pamphlet

51. Complainant incorporates paragraphs 1 through 41 of this CAFO as if set forth in this paragraph.

52. 40 C.F.R. §745.84(a)(1) requires firms to provide the owner of the residential dwelling unit with the pamphlet no more than 60 days before beginning renovation activities in any residential dwelling unit of target housing.

53. Respondent performed renovations in the 26 residential dwelling units described in paragraph 38 and failed to provide Artesian Commons LLC with the pamphlet pursuant to 40 C.F.R. § 745.84(a)(1).

54. Respondent's failure to provide the owner of the residential dwelling units described in paragraph 38 with the pamphlet prior to the renovation in the residential dwelling units constitutes one (1) violation of 40 C.F.R. § 745.84(a)(1) and 15 U.S.C. § 2689.

Count 4 to 5 – Failure to Notify in Writing or Ensure Written Notification of Each

Unit of the Multi-Family Building

55. Complainant incorporates paragraphs 1 through 41 of this CAFO as if set forth in this paragraph.

56. 40 C.F.R. § 745.84(b)(2) requires that no more than 60 days before beginning renovation activities in common areas of multi-unit target housing, the firm performing the renovations must notify in writing, or ensure written notification of, each unit of the multi-family housing and make the pamphlet available upon request prior to the start of the renovation, or to post informational signs.

57. Respondent performed renovations in common areas of multi-unit target housing as described in paragraph 39 and failed to either notify in writing, or ensure written notification of, the occupants of each of the two (2) units described in paragraph 37, and make the pamphlet available upon request prior to the start of renovation, or while the renovation is ongoing, to post informational signs in areas where they are likely to be seen by the occupants of all the affected units described in paragraph 37 pursuant to 40 C.F.R. § 745.84(b)(2).

58. Respondent's failure to notify the occupants of the two (2) units described in paragraph 37 of the multi-unit target housing in writing, or to ensure written notification, of renovations to common areas, and to make the pamphlet available upon request prior to the start of renovation, or to post information signs as specified under 40 C.F.R. § 745.84(b)(2)(ii), constitutes two (2) violations of 40 C.F.R. § 745.84(b)(2) and 15 U.S.C. § 2689.

**Count 6 – Failure to Prepare, Sign and Date a Statement Describing the Steps
Performed to Notify All Occupants of the Intended Renovation Activities**

59. Complainant incorporates paragraphs 1 through 41 of this CAFO as if set forth in this paragraph.

60. 40 C.F.R. §745.84(b)(3) requires firms to prepare, sign, and date a statement describing the steps performed to notify all occupants of the intended renovation activities and to provide the pamphlet.

61. Respondent performed renovations in common areas at a multi-family residential building as described in paragraph 39 and failed to prepare, sign and date a statement describing the steps performed to notify the occupants of each of the two (2) the units described in paragraph 37 of the intended renovation activities and to provide the pamphlet pursuant to 40 C.F.R. § 745.84(b)(3).

62. Respondent's failure to prepare, sign and date a statement describing the steps performed to notify all occupants of the intended renovation activities and to provide the pamphlet constitutes one (1) violation of 40 C.F.R. § 745.84(b)(3) and 15 U.S.C. § 2689.

**Counts 7 to 32 - Failure to Retain All Records Necessary to Demonstrate Compliance with
40 C.F.R. Part 745, Subpart E**

63. Complainant incorporates paragraphs 1 through 41 of this CAFO as if set forth in this paragraph.

64. 40 C.F.R. § 745.86(a) requires firms performing renovations to retain and, if requested, make available to EPA all records necessary to demonstrate compliance with 40 C.F.R. Part 745, Subpart E for a period of three (3) years following completion of the renovation.

65. 40 C.F.R. § 745.86(b)(6) specifies the following records to be retained pursuant to 40 C.F.R. § 745.86(a):

- a. Documentation of compliance with the work practice standards in 40 C.F.R. § 745.85;
- b. Documentation that a certified renovator was assigned to the project;
- c. Documentation that the certified renovator provided on-the-job training for workers used on the project;
- d. Documentation that the certified renovator performed or directed workers who performed all of the tasks described in 40 C.F.R. § 745.85(a); and
- e. Documentation that the certified renovator performed the post-renovation cleaning verification described in 40 C.F.R. § 745.85(b).

66. Respondent performed renovations at 26 units as described in paragraph 38 and did not retain the records described in 40 C.F.R. § 745.86(b)(6) for a period of three years following completion of each renovation, and, upon EPA's February 4, 2021 information request, failed to make available to EPA the records delineated at 40 C.F.R. § 745.86(b)(6).

67. Respondent's failure to retain, and to make available to EPA upon its request, the records delineated at 40 C.F.R. § 745.86(b)(6) for a period of three (3) years following the completion of each of the 26 renovations described at paragraph 38 constitutes 26 violations of 40 C.F.R. § 745.86(b), 40 C.F.R. § 745.87(a), and 15 U.S.C. § 2689.

Counts 33 to 58 – Failure of a Firm to Carry Out its Responsibilities During a Renovation

68. Complainant incorporates paragraphs 1 through 41 of this CAFO as if set forth in this paragraph.

69. 40 C.F.R. § 745.89(d)(2) requires firms performing renovations to ensure that a certified renovator is assigned to each renovation performed by the firm and discharges all of the certified renovator responsibilities identified in 40 C.F.R. § 745.90.

70. Respondent performed renovations at 26 dwelling units as described at paragraph 38 and failed to ensure a certified renovator was assigned to each renovation performed by Respondent and that the certified renovator discharged all of its responsibilities under 40 C.F.R. § 745.90, those responsibilities include but are not limited to:

- a. Performing all of the post-renovation cleaning verification tasks described in 40 C.F.R. § 745.85(b) and performing or directing workers who perform all of the standards for renovation activities tasks described in 40 C.F.R. § 745.85(a)(1), (2), (4)–(5);
- b. Directing work being performed by other individuals to ensure that the work practices are being followed, including maintaining the integrity of the containment barriers and ensuring that the dust and debris does not spread beyond the work area, as required by 40 C.F.R. § 745.85(a);
- c. Prepare the records required by 40 C.F.R. § 745.86(b)(1)(ii) and 40 C.F.R. § 745.86(b)(6).

71. Respondent's failure to ensure a certified renovator was assigned to each renovation performed by Respondent and that the certified renovator discharged all of its responsibilities under 40 C.F.R. § 745.90 at 26 units constitutes 26 violations of 40 C.F.R. § 745.89(d)(2), 40 C.F.R. § 745.87(a), and 15 U.S.C. § 2689.

Civil Penalty

72. Pursuant to Section 16(a) of TSCA, 15 U.S.C. § 2615(a), Complainant determined that an appropriate civil penalty to settle this action is \$14,370.00. In determining the penalty amount, Complainant considered the nature, circumstances, extent and gravity of the violations alleged and, with respect to Respondent, ability to pay, effect on ability to continue to do business, any history of prior such violations, the degree of culpability, and such other factors as justice may require.

73. Within 30 days after the effective date of this CAFO, Respondent must pay the civil \$14,370.00 penalty for the TSCA violations by sending a cashier's or certified check, payable to "Treasurer, United States of America," to:

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

The check must state Respondent's name and the docket number of this CAFO.

74. Respondent must send a notice of payment that states Respondent's name and the case docket number to EPA at the following addresses when it pays the penalty:

Regional Hearing Clerk (E-19J)
U.S. EPA, Region 5
R5hearingclerk@epa.gov

Michael Todd (ECP-17J)
Pesticides and Toxics Compliance Section
U.S. EPA, Region 5
todd.michael@epa.gov

Elyse Voyer (C-14J)
Office of Regional Counsel
voyer.elyse@epa.gov

75. This civil penalty is not deductible for federal tax purposes.

76. If Respondent does not timely pay the civil penalty, EPA may refer this matter to the Attorney General, who will recover such amount, plus interest, in the appropriate district court of the United States under Section 16(a) of TSCA, 15 U.S.C. § 2615(a). Respondent acknowledges that the validity, amount, and appropriateness of the civil penalty are not reviewable in a collection action.

77. Pursuant to 31 C.F.R. § 901.9, Respondent must pay the following on any amount overdue under this CAFO. Interest will accrue on any amount overdue from the date the payment was due at a rate established pursuant to 31 U.S.C. § 3717. Respondent must pay a \$15 handling charge each month that any portion of the penalty is more than 30 days past due. In addition, Respondent must pay a six (6) percent per year penalty on any principal amount 90 days past due.

General Provisions

78. The parties consent to service of this CAFO by e-mail at the following valid e-mail addresses: voyen.elyse@epa.gov (for Complainant), and ge@nijmanfranzetti.com, lg@nijmanfranzetti.com, and spanodan30@gmail.com (for Respondent). *See* 40 C.F.R. § 22.5-6. The parties waive their right to service by the methods specified in 40 C.F.R. § 22.6. Respondent understands that the CAFO will become publicly available upon filing.

79. Respondent's full compliance with this CAFO shall only resolve Respondent's liability for federal civil penalties for the violations alleged in the CAFO.

80. This CAFO does not affect the rights of EPA or the United States to pursue appropriate injunctive or other equitable relief or criminal sanctions for any violations of law.

81. This CAFO does not affect Respondent's responsibility to comply with TSCA, the Residential Lead-Based Paint Hazard Reduction Act of 1992, the Residential Lead-Based Paint

Disclosure Program, and other applicable federal, state, and local laws.

82. Respondent certifies that it is complying with TSCA and 40 C.F.R. Part 745.

83. As of the effective date of this CAFO, Respondent acknowledges it has not received certification from EPA pursuant to 40 C.F.R. § 745.89, as required under 40 C.F.R. § 745.81(a)(2)(ii), and that it will obtain the required certifications and comply with TSCA and 40 C.F.R. Part 745 prior to performing renovations in target housing.

84. This CAFO constitutes a “prior such violation” as that term is used in EPA’s Interim Final Consolidated Enforcement Response and Penalty Policy for the Pre-Renovation Education Rule; Renovation, Repair and Painting Rule; and Lead-Based Paint Activities Rule to determine Respondent’s “history of prior such violations” under Section 16(a)(2)(B) of TSCA, 15 U.S.C. § 2615(a)(2)(B).

85. The terms of this CAFO bind Respondent, and its successors and assigns.

86. Each person signing this agreement certifies that he or she has the authority to sign for the party whom he or she represents and to bind that party to its terms.

87. Each party agrees to bear its own costs and attorney’s fees in this action.

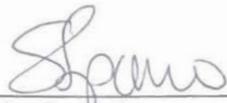
88. This CAFO constitutes the entire agreement between the parties.

89. The effective date of this CAFO is the date on which it is filed with the Regional Hearing Clerk.

**Consent Agreement and Final Order
In the Matter of: S&T Construction Corp.
Docket No. TSCA-05-2023-0002**

S&T Construction Corp., Respondent

2/23/23
Date


Ms. Susan Spano
President
S&T Construction Corp.
8906 Turnberry Lane
Tinley Park, IL 60487.
spanodan30@gmail.com

**Consent Agreement and Final Order
In the Matter of: S&T Construction Corp.
Docket No. TSCA-05-2023-0002**

United States Environmental Protection Agency, Complainant

**MICHAEL
HARRIS**

Digitally signed by
MICHAEL HARRIS
Date: 2023.03.03
11:32:55 -06'00'

Michael D. Harris
Division Director
Enforcement and Compliance Assurance Division

**Consent Agreement and Final Order
In the Matter of: S&T Construction Corp.
Docket No. TSCA-05-2023-0002**

Final Order

This Consent Agreement and Final Order, as agreed to by the parties, shall become effective immediately upon filing with the Regional Hearing Clerk. This Final Order concludes this proceeding pursuant to 40 C.F.R. §§ 22.18 and 22.31. IT IS SO ORDERED.

ANN COYLE Digitally signed by ANN
COYLE
Date: 2023.03.03
15:31:25 -06'00'

Ann L. Coyle
Regional Judicial Officer
United States Environmental Protection Agency
Region 5