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**U. S. ENVIRONMENTAL PROTECTION AGENCY
REGION 7
11201 RENNER BOULEVARD, LENEXA, KANSAS 66219
BEFORE THE ADMINISTRATOR**

In the Matter of:

)
) **Docket No. TSCA-07-2013-0010**
)

**HarenLaughlin Construction
8035 Nieman Road
Lenexa, KS 66214,**

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)
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Respondent

CONSENT AGREEMENT AND FINAL ORDER

The U.S. Environmental Protection Agency (EPA), Region 7 and HarenLaughlin Construction (Respondent) have agreed to a settlement of this action before filing of a Complaint, and thus this action is simultaneously commenced and concluded pursuant to Rules 22.13(b) and 22.18(b)(2) of the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties, Issuance of Compliance or Corrective Action Orders, and the Renovation, Termination or Suspension of Permits (Consolidated Rules), 40 C.F.R. §§ 22.13(b) and 22.18(b)(2).

**Section I
Jurisdiction**

1. This proceeding is an administrative action for the assessment of civil penalties instituted pursuant to Section 16(a) of the Toxic Substances Control Act (TSCA), 15 U.S.C. § 2615(a).
2. This Consent Agreement and Final Order (CAFO) serves as notice that EPA has reason to believe that Respondent has violated Section 409 of TSCA, 15 U.S.C. § 2689, by failing to comply with the lead-based paint certification, information distribution and renovation

requirements of 40 C.F.R. Part 745, Subpart E (Renovation Repair and Painting Rule a/k/a “RRP” Rule), which were authorized for promulgation by Sections 402 and 406 of TSCA, 15 U.S.C. §§ 2682 and 2686.

Section II
Parties

3. The Complainant, by delegation from the Administrator of EPA and the Regional Administrator, EPA, Region 7, is the Chief, Toxics and Pesticides Branch, EPA, Region 7.

4. The Respondent is HarenLaughlin Construction, a corporation in good standing under the laws of the state of Kansas and is authorized to do business in the state of Missouri. The Respondent meets the definition of a “Firm” and of a “Person”, as those terms are set forth in 40 C.F.R. § 745.83.

Section III
Statutory and Regulatory Background

5. Congress passed the Residential Lead-Based Paint Hazard Reduction Act of 1992 (the Act), 42 U.S.C. §§ 4851 to 4856, to address the need to control exposure to lead-based paint hazards. The Act amended TSCA by adding *Title IV - Lead Exposure Reduction*, TSCA Sections 401 to 412, 15 U.S.C. §§ 2681 to 2692.

6. 15 U.S.C. § 2681(17) 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.

7. Section 402 of TSCA, 15 U.S.C. § 2682, requires that the Administrator of EPA promulgate regulations regarding the activities of individuals and contractors engaged in lead-

based paint activities, including renovation of residences built prior to 1978, and regulations for the certification of such individuals and contractors.

8. EPA has promulgated regulations regarding lead-based paint activities, including renovation of residences built prior to 1978, and regulations for the certification of individuals and firms who are involved in these activities. These regulations are found within 40 C.F.R. Part 745, Subpart E (RRP Rule), and were promulgated pursuant to 15 U.S.C. § 2682.

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

10. EPA has promulgated regulations requiring each person who performs for compensation a renovation of target housing to provide a lead hazard information pamphlet to the owner and occupant of such housing prior to commencing the renovation. These regulations are found within 40 C.F.R. Part 745, Subpart E (RRP Rule), and were promulgated pursuant to 15 U.S.C. § 2686.

11. 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 (e.g., modification of painted doors, surface restoration, window repair, surface preparation activity (such as sanding, scraping, or other such activities that may generate paint dust)); the removal of building components (e.g., walls, ceilings, plumbing, windows); weatherization projects (e.g., cutting holes in painted surfaces to

install blown-in insulation or to gain access to attics, planning thresholds to install weather stripping), and interim controls that disturb painted surfaces.

12. 40 C.F.R. § 745.89(a)(1) provides that “Firms that perform renovations for compensation must apply to EPA for certification to perform renovations or dust sampling.”

13. 40 C.F.R. § 745.84(a)(1) requires that, no more than 60 days before beginning renovation activities in any residential dwelling unit of target housing, the firm performing the renovation must provide the owner of the unit with the EPA pamphlet titled *Renovate Right: Important Lead Hazard Information for Families, Child Care Providers and Schools* (EPA Pamphlet).

14. 40 C.F.R. § 745.85 sets forth the regulations for “Work Practice Standards” that must be followed by firms performing renovations on *target housing*. Among these are:

(a) 40 C.F.R. § 745.85(a)(1) Occupant Protection. Firms must post signs clearly defining the work area and warning occupants and other persons not involved in renovation activities to remain outside of the work area. To the extent practicable, these signs must be in the primary language of the occupants. These signs must be posted before beginning the renovation and must remain in place and readable until the renovation and the post-renovation cleaning verification have been completed.

(b) 40 C.F.R. § 745.85(a)(2)(i)(B) Interior Renovations. Close and cover all ducts opening in the work area with taped-down plastic sheeting or other impermeable material.

(c) 40 C.F.R. § 745.85(a)(2)(i)(C) Interior Renovations. Close windows and doors in the work area. Doors must be covered with plastic sheeting or other impermeable material. Doors used as an entrance to the work area must be covered with plastic sheeting or other impermeable

material in a manner that allows workers to pass through while confining dust and debris to the work area.

(d) 40 C.F.R. § 745.85(a)(2)(i)(D) Interior Renovations. Cover the floor surface, including installed carpet, with taped-down plastic sheeting or other impermeable material in the work area 6 feet beyond the perimeter of surfaces undergoing renovation or a sufficient distance to contain the dust, whichever is greater. Floor containment measures may stop at the edge of the vertical barrier when using a vertical containment system consisting of impermeable barriers that extend from the floor to the ceiling and are tightly sealed at joints with the floor, ceiling and walls.

15. Failure to comply with any provision of 40 C.F.R. Part 745, Subpart E (RRP Rule) violates Section 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).

16. Section 16(a) of TSCA, 42 U.S.C. § 2615, and 40 C.F.R. § 745.87(d), authorize the EPA Administrator to assess a civil penalty of up to \$25,000 for each violation of Section 409 of TSCA. Each day that such a violation continues constitutes a separate violation of Section 15 of TSCA, 15 U.S.C. § 2614. The Debt Collection Improvement Act of 1996, 31 U.S.C. § 3701, and its implementing regulations at 40 C.F.R. Part 19, increased these statutory maximum penalties to \$37,500 for violations that occurred after January 12, 2009.

Section IV **General Factual Allegations**

17. Respondent is and at all times referred to herein was a “person” and a “firm” within the meaning of 40 C.F.R. § 745.83.

18. On August 9, 2012, pursuant to its authority under Section 11 of TSCA, 15 U.S.C.

§ 2610, representatives of the United States Environmental Protection Agency, Region 7 conducted an inspection of an unoccupied 65 unit apartment building located at 811 East Armour Boulevard, Kansas City, Missouri (hereinafter, “the EPA Inspection”), where Respondent was in the process of conducting “renovations”, as defined by C.F.R. § 745.83, for compensation.

19. The building located at 811 East Armour Boulevard, Kansas City, Missouri, which was the subject of the EPA Inspection, is residential housing built in 1922 and meets the definition of *target housing* under 15 U.S.C. § 2681(17).

20. At the time of the EPA Inspection, the Respondent had not applied to become a certified renovator, as required by 40 C.F.R. § 745.89(a)(1).

21. At no time, prior to beginning the renovation did the Respondent give the owner of the building located at 811 East Armour Boulevard, Kansas City, Missouri, an EPA Pamphlet, as required by 40 C.F.R. § 745.84(a)(1).

22. During the EPA Inspection, EPA representatives observed that, in the course of its renovation of the building located at 811 East Armour Boulevard, Kansas City, Missouri, the Respondent failed to do the following:

(a) Post signs clearly defining the work area and warning occupants and other persons not involved in renovation activities to remain outside of the work area, as required by 40 C.F.R. § 745.85(a)(1).

(b) Close and cover all ducts opening in the work area with taped-down plastic sheeting or other impermeable material for the interior renovation, as required by 40 C.F.R. § 745.85(a)(2)(i)(B).

(c) Close windows and doors in the work area, and cover doors with plastic sheeting or other impermeable material for the interior renovations, as required by 40 C.F.R. § 745.85(a)(2)(i)(C).

(d) Cover the floor surface with taped-down plastic sheeting or other impermeable material in the work area 6 feet beyond the perimeter of surfaces undergoing renovation or a sufficient distance to contain the dust for the interior renovations, as required by C.F.R. § 745.85(a)(2)(i)(D).

Section V
Violations

The Complainant hereby states and alleges that Respondent has violated TSCA and federal regulations promulgated thereunder, as follows:

Count I

23. Concerning its renovation performed at 811 East Armour Boulevard, Kansas City, Missouri, Respondent failed to apply for EPA certification prior to commencing the renovation for compensation on this target housing unit, which is a violation of 40 C.F.R. § 745.89(a)(1).

24. Respondent's failure to perform this act indicated above is in violation of Section 409 of TSCA, 15 U.S.C. § 2689, and thus Respondent is subject to civil penalties under Section 16 of TSCA, 15 U.S.C. § 2615.

Count II

25. Concerning its renovation performed at 811 East Armour Boulevard, Kansas City, Missouri, prior to commencing the renovation for compensation which was the subject of the EPA Inspection, Respondent failed to provide the owner of the unit with the EPA pamphlet, which is a violation of 40 C.F.R. § 745.84(a)(1).

26. Respondent's failure to perform the act indicated in above is in violation of Section 409 of TSCA, 15 U.S.C. § 2689, and thus Respondent is subject to civil penalties under Section 16 of TSCA, 15 U.S.C. § 2615.

Count III

27. Concerning its renovation performed at 811 East Armour Boulevard, Kansas City, Missouri, at the time of the EPA Inspection, Respondent failed to post signs clearly defining the work area and warning occupants and other persons not involved in renovation activities to remain outside of the work area, as required by 40 C.F.R. § 745.85(a)(1).

28. Respondent's failure to perform the acts indicated above are in violation of Section 409 of TSCA, 15 U.S.C. § 2689, and thus Respondent is subject to civil penalties under Section 16 of TSCA, 15 U.S.C. § 2615.

Count IV

29. Concerning its renovation performed at 811 East Armour Boulevard, Kansas City, Missouri, at the time of the EPA Inspection, Respondent failed to close and cover all ducts opening in the work area with taped-down plastic sheeting or other impermeable material for the interior renovation, as required by 40 C.F.R. § 745.85(a)(2)(i)(B).

30. Respondent's failure to perform the acts indicated above are in violation of Section 409 of TSCA, 15 U.S.C. § 2689, and thus Respondent is subject to civil penalties under Section 16 of TSCA, 15 U.S.C. § 2615.

Count V

31. Concerning its renovation performed at 811 East Armour Boulevard, Kansas City, Missouri, at the time of the EPA Inspection, Respondent failed to close windows and doors in the

work area, and cover doors with plastic sheeting or other impermeable material for the interior renovations, as required by 40 C.F.R. § 745.85(a)(2)(i)(C).

32. Respondent's failure to perform the acts indicated above are in violation of Section 409 of TSCA, 15 U.S.C. § 2689, and thus Respondent is subject to civil penalties under Section 16 of TSCA, 15 U.S.C. § 2615.

Count VI

33. Concerning its renovation performed at 811 East Armour Boulevard, Kansas City, Missouri, at the time of the EPA Inspection, Respondent failed to cover the floor surface with taped-down plastic sheeting or other impermeable material in the work area 6 feet beyond the perimeter of surfaces undergoing renovation or a sufficient distance to contain the dust for the interior renovations, as required by C.F.R. § 745.85(a)(2)(i)(D).

34. Respondent's failure to perform the acts indicated above are in violation of Section 409 of TSCA, 15 U.S.C. § 2689, and thus Respondent is subject to civil penalties under Section 16 of TSCA, 15 U.S.C. § 2615.

Section VI **Consent Agreement**

35. For purposes of this proceeding, Respondent admits the jurisdictional allegations set forth above.

36. Respondent neither admits nor denies the factual allegations set forth above.

37. Respondent waives its right to contest any issue of fact or law set forth above and its right to appeal the Final Order accompanying this Consent Agreement.

38. Respondent and EPA agree to conciliate this matter without the necessity of a formal hearing and to bear their respective costs and attorney's fees.

39. Respondent certifies by the signing of this Consent Agreement and Final Order that it is presently in compliance with all requirements of 40 C.F.R. Part 745. Respondent agrees that the effect of this settlement is conditioned upon the accuracy of this representation of Respondent to EPA.

40. Respondent consents to the issuance of the Final Order hereinafter recited and consents to the payment of a civil penalty, completion of the Supplemental Environmental Project and payment of any stipulated penalties as specified in the Final Order.

41. Payment of the civil penalty as set forth in the Final Order, and completion of the Supplemental Environmental Project (SEP) described herein, full shall resolve all civil and administrative claims for all violations of Section 409 of TSCA, 15 U.S.C. 2689 and 40 C.F.R. Part 745 alleged in this document.

42. In settlement of this matter, Respondent agrees to complete the following Supplemental Environmental Project (SEP), which the parties agree is intended to secure significant environmental and public health benefits:

Abatement of lead-based paint at the property located at 3560 Broadway, Kansas City, Missouri as set forth in SEP Work Plan, which is attached to this document, marked "Exhibit 1" and is incorporated by reference. In accordance with Missouri state regulations, following the completion of the abatement work, Respondent must have lead clearance testing performed by a certified risk assessor. The abatement work and the lead clearance testing may not be performed by the same individual or entity.

43. The total expenditure for the SEP shall be not less than Twenty-Four Thousand Five Hundred Dollars (\$24,500) and the SEP shall be completed no later than 120 days from effective date of the final order. All work required to complete the SEP shall be performed in compliance with all federal, state, and local laws and regulations.

44. Respondent agrees that the abatement work on the SEP project referenced above will be performed by entities licensed and/or certified by the state of Missouri to perform lead-

based paint abatement activities. Respondent is responsible for ensuring that the entity or entities performing the SEP project described above receive a copy of this Consent Agreement and Final Order (CAFO) and all attachments pertaining to the SEP project including the EPA approved SEP Work Plan, if applicable. Respondent is responsible for any failure to complete the SEP in accordance with all applicable terms of this agreement.

45. Within thirty (30) days of the effective date of the Final Order, and prior to beginning work on the SEP, Respondent shall send a notice to the Missouri Department of Health and Senior Services, at the contact below, informing the state of Missouri of Respondent's intent to perform this lead-based paint abatement SEP and requesting procedural information pertaining to performance of the SEP. A copy of this letter shall be sent to EPA at the contact listed below.

46. Within thirty (30) days of completion of the SEP, Respondent shall submit a SEP Completion Report to EPA, with a copy to the state agency identified below. The SEP Completion Report shall contain the following:

- a. A detailed description of the SEP as implemented;
- b. Itemized costs, documented by copies of purchase orders, receipts or canceled checks; and
- c. The following certification signed by Respondent:

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, 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.

d. The report shall be directed to the following:

As to EPA:

Cassandra Mance
Toxics and Pesticides Branch
Water, Wetlands and Pesticide Division
11201 Renner Boulevard
Lenexa, KS 66219.

As to the state of Missouri:

Chris Silva
Missouri Department of Health and Senior Services
930 Wildwood
Jefferson City, MO 65109

47. Respondent agrees to the payment of stipulated penalties as follows:

a. In the event Respondent fails to comply with any of the terms or provisions of this Agreement relating to the performance of the SEP, above, and/or to the extent that the actual expenditures for the SEP do not equal or exceed the cost of the SEP described in this CAFO, Respondent shall be liable for stipulated penalties according to the provisions set forth below:

(1) If the SEP is not completed satisfactorily and timely pursuant to the requirements set forth in this CAFO, Respondent shall be liable for and shall pay a stipulated penalty to the United States in the amount of Twenty-Four Thousand Five Hundred Dollars (\$24,500).

(2) If the SEP is satisfactorily completed, but the Respondent spends less than Twenty-Four Thousand Five Hundred Dollars (\$24,500) on the SEP, Respondent shall pay as a stipulated penalty to the United States the amount of Twenty-Four Thousand Five Hundred Fifty-Seven Dollars (\$24,500) minus the amount that Respondent can demonstrate it spent upon the satisfactorily completed SEP.

b. If Respondent fails to timely and completely submit the SEP Completion

Report required by this CAFO, Respondent shall be liable for and shall pay a stipulated penalty in the amount of One Hundred Dollars (\$100.00) for each day after the due date until a complete report is submitted.

c. EPA shall determine whether the SEP has been satisfactorily completed and whether the Respondent has made a good faith, timely effort to implement the SEP.

d. 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 SEP or other resolution under this CAFO.

e. Respondent shall pay stipulated penalties not more than fifteen (15) days after receipt of written demand by EPA for such penalties. Method of payment shall be in accordance with the provisions set forth in Paragraph 1 the Final Order portion of this Consent Agreement and Final Order.

48. Respondent certifies that he is not required to perform or develop the SEP by any federal, state or local law or regulation; nor is Respondent required to perform or develop the SEP by agreement, grant or as injunctive relief in this or any other case or to comply with state or local requirements. Respondent further certifies that he has not received, and is not presently negotiating to receive, credit in any other enforcement action for the SEP.

49. Respondent further certifies that, to the best of his knowledge and belief after reasonable inquiry, there is no such open federal financial transaction that is funding or could be used to fund the same activity as the SEP, nor has the same activity been described in an unsuccessful federal financial assistance transaction proposal submitted to EPA within two years of the date of this settlement (unless the project was barred from funding as statutorily ineligible). For the purposes of this certification, the term "open federal financial assistance

transaction" refers to a grant, cooperative agreement, loan, federally-guaranteed loan guarantee or other mechanism for providing federal financial assistance whose performance period has not yet expired.

50. For federal income tax purposes, Respondent agrees that he will neither capitalize into inventory or basis nor deduct any costs or expenditures incurred in performing the SEP.

51. Any public statement, oral or written, in print, film or other media, made by Respondent making reference to the SEP shall include the following language: "This project was undertaken in connection with the settlement of an enforcement action taken by the United States Environmental Protection Agency."

52. Respondent understands that his failure to timely pay any portion of the civil penalty described in Paragraph 1 of the Final Order below or any portion of a stipulated penalty described in this Consent Agreement and Final Order may result in the commencement of a civil action in Federal District Court to recover the full remaining balance, along with penalties and accumulated interest. In such case, interest shall accrue thereon at the applicable statutory rate on the unpaid balance until such civil or stipulated penalty and any accrued interest are paid in full. A late payment handling charge of \$15 will be imposed after thirty (30) days and an additional \$15 will be charge for each subsequent thirty (30) day period. Additionally, as provided by 31 U.S.C. § 3717(e)(2), a six percent (6%) per annum penalty (late charge) may be assessed on any amount not paid within ninety (90) days of the due date.

Section VII
Final Order

Pursuant to the provisions of the Toxic Substances Control Act (TSCA), 15 U.S.C. §§ 2601-2692, and based upon the information set forth in the Consent Agreement accompanying this Final Order, **IT IS HEREBY ORDERED THAT:**

1. Respondent shall pay a civil penalty of Two Thousand Seven Hundred Eighty-Six Dollars (\$2,786). The payment shall be made at the address below. The payment shall identify Respondent by name and docket number and shall be by certified or cashier's check made payable to the "United States Treasury" and sent to:

U. S. Environmental Protection Agency
Fines and Penalties
Cincinnati Finance Center
PO Box 979077
St. Louis, MO 63197-9000

Wire transfers should be directed to the Federal Reserve Bank of New York:

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

2. A copy of the check or other information confirming payment shall simultaneously be sent to the following:

Regional Hearing Clerk
U.S. Environmental Protection Agency, Region 7
11201 Renner Boulevard
Lenexa, Kansas 66219;

and

Raymond C. Bosch, Attorney
Office of Regional Counsel
U.S. Environmental Protection Agency, Region 7
11201 Renner Boulevard
Lenexa, Kansas 66219

3. Respondent shall complete the Supplemental Environmental Project in accordance with the provisions set forth in the Consent Agreement and shall be liable for any

stipulated penalty for failure to complete such project as specified in the Consent Agreement.

4. Respondent and Complainant shall each bear their own costs and attorneys' fees incurred as a result of this matter.


RESPONDENT
HARENLAUGHLIN CONSTRUCTION

Date: 5-13-13

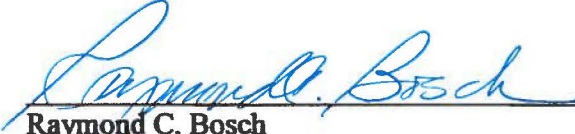
by JMWS (JEFFREY G. WASHINGTON)
EXECUTIVE VICE PRESIDENT
TITLE

COMPLAINANT
U. S. ENVIRONMENTAL PROTECTION AGENCY

Date: 5/15/2013


By: 
Jamie Green, Chief
Toxics and Pesticides Branch
Water, Wetlands, and Pesticides Division

Date: May 15, 2013

By: 
Raymond C. Bosch
Attorney Advisor
Office of Regional Counsel

IT IS SO ORDERED. This Order shall become effective immediately.

Date: 6/4/13



KARINA BORROMEO
Regional Judicial Officer
U.S. Environmental Protection Agency, Region 7

EXHIBIT 1



May 6, 2013

Mr. Cory Davison
HarenLaughlin Construction
8035 Nieman Road
Lenexa, KS 66214

Re: Revised Lead Based Paint Abatement
Ambassador
3560 Broadway
Kansas City, Missouri 64111

Dear Mr. Davison,

New Horizons, LLC, a certified Woman Owned Business is pleased to submit the following cost estimate to HarenLaughlin Construction after reviewing the Lead Based Paint Inspection, renovation plans, and Supplemental Environmental Project (SEP) Guidelines from the Environmental Protection Agency (EPA). New Horizons based the following price information on one mobilization and prevailing wages. This information is based upon the following scope of work, which New Horizons feels is the best plan for this situation. Although attached is a price sheet with other options. New Horizons will complete this work under a Missouri accredited Lead Abatement License and Permit.

The following scope of work will be completed:

- 1) Stripping of LBP from two walls in the basement (concrete) \$6,000
- 2) Removal of LBP ceiling tiles -- removing components (someone else replaces) \$2,875
- 3) Stripping of LBP from concrete on stairwell landings and stairs by floor (\$17,933)
 - a. 3rd level south concrete stripping \$3,726
 - b. 4th level north concrete stripping \$1,080
 - c. 5th level south concrete stripping \$3,240
 - d. 6th level north concrete stripping \$810
 - e. 7th level north concrete stripping \$3,409
 - f. 7th level south concrete stripping \$4,050
 - g. 8th level south concrete stripping \$1,618

See report for exact locations of these items listed above.

Labor, Equipment, Supplies.....\$26,808.00
(Twenty Six Thousand and Eight Hundred and Eight Dollars and no cents)

New Horizons understands that HarenLaughlin Construction would like to complete \$24,500 in Lead Abatement, therefore New Horizons will discount the above work by \$2,308 to achieve the exact number of the SEP.

PROCEDURES

Mobilization: New Horizons will submit the required notification and abatement plan to the State of Missouri with 24 hours of Notice to Proceed, there is a mandatory 10 business day waiting period prior to starting. New Horizons will complete within 15 working days from start.

Worker Protection: All employed with New Horizons will be required to wear personal protective equipment necessary to avoid exposure to lead. New Horizons will follow the specifications outlined for the worker protection.

EXCLUSIONS

The following is specifically excluded from this project:


- Costs or conditions caused by delays by others beyond New Horizons, LLC. control
- Bid, Performance, and/or Payment Bonds
- Other lead based paint

TERMS OF PAYMENT:

Payment will be progressive, net 30 days upon substantial completion. The client will pay 1.5% per month interest penalty for any part of the month and for any amount for which the payment becomes past due.

Thank you for this opportunity to submit our proposal on this project. If you have any questions or require any additional information, please do not hesitate to contact me at (816) 569-5256. New Horizons, LLC. will proceed with this work upon your written authorization.

Sincerely,



Stephanie Isaacson
President
New Horizons Enterprises, LLC

ACCEPTANCE: The above proposal, including Scope of Work, Procedures and Terms and Conditions is hereby accepted. New Horizons, LLC. is authorized to proceed with the work as specified.

Accepted by:

Company	Name
Title	Date

IN THE MATTER OF HarenLaughlin Construction, Respondent
Docket No. TSCA-07-2013-0010

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing Order was sent this day in the following manner to the addressees:

Copy emailed to Attorney for Complainant:

bosch.ray@epa.gov

Copy by First Class Mail to Respondent:

Jeffrey G. Wasinger
Executive Vice President
HarenLaughlin Construction
8035 Nieman Road
Lenexa, Kansas 66214

Dated: 6/4/13



Kathy Robinson
Kathy Robinson
Hearing Clerk, Region 7