

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5**

In the Matter of:)	Docket No. TSCA-05-2023-0006
)	
Solar Supply Center, Inc.)	Proceeding to Assess a Civil
Strongsville, Ohio,)	Penalty Under Section 16(a) of the
)	Toxic Substances Control Act,
Respondent.)	15 U.S.C. § 2615(a)
<hr style="border: 1px solid black;"/>		

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 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 the Director of the Enforcement and Compliance Assurance Division, U.S. Environmental Protection Agency (EPA), Region 5.

3. Respondent is Solar Supply Center, Inc., a corporation with a place of business located at 8301 Pearl Road, Strongsville, Ohio 44136.

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 assessment of the civil penalty specified in this CAFO and to the terms of this CAFO.

Jurisdiction and Waiver of Right to Hearing

7. Respondent admits the jurisdictional allegations in this CAFO and neither admits nor denies the factual allegations in this CAFO.

8. Respondent waives its right to request a hearing as provided in 40 C.F.R. § 22.15(c), any right to contest the allegations in this CAFO, and its right to appeal this CAFO.

Statutory and Regulatory Background

9. In promulgating the Residential Lead-Based Paint Hazard Reduction Act of 1992 (Title X), Pub. L. 102-550, 106 Stat. 3897 (codified in various different sections of 15 U.S.C. and 42 U.S.C.), Congress found, among other things, that low-level lead poisoning is widespread among American children, afflicting as many as 3,000,000 children under the age of 6. At low levels, lead poisoning in children causes intelligence 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.

10. 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 – Lead Exposure Reduction, 15 U.S.C. §§ 2681 through 2692.

11. Section 402(a) of TSCA, 15 U.S.C. § 2682, 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, considering reliability, effectiveness, and safety.

12. Section 402(c) of TSCA, 15 U.S.C. § 2682, requires the Administrator of EPA to promulgate guidelines for the conduct of renovation and remodeling 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.

13. 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 ensure the effective implementation of the TSCA Lead Exposure Reduction requirements, 15 U.S.C. §§ 2681 through 2692.

14. 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 – Lead Exposure Reduction, 15 U.S.C. §§ 2681 through 2692. *See also* 40 C.F.R. § 745.87.

15. 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.

16. Pursuant to Sections 402 and 406 of TSCA, 15 U.S.C. §§ 2682 and 2686, EPA promulgated the residential property renovation regulations at 40 C.F.R. Part 745, Subpart E, prescribing procedures and requirements for: the accreditation of renovator training programs;

certification of individuals and firms; 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 (April 22, 2008).

17. 40 C.F.R. § 745.82(a) provides that Subpart E applies to all renovations performed in target housing and child-occupied facilities, with certain exceptions not relevant here.

18. 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.

19. 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, ceiling, plumbing, windows); weatherization projects (e.g., cutting holes in painted surfaces to install blown-in insulation or to gain access to attics, planing thresholds to install weather stripping), and interim controls that disturb painted surfaces.

20. 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.

21. 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.

22. 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 years following completion of the renovation.

23. 40 C.F.R. § 745.86(b)(6) requires a firm to document compliance with the work practice standards in 40 C.F.R. § 745.85 by retaining records to document that a certified renovator was assigned to the renovation project.

24. 40 C.F.R. § 745.86(b)(6) requires a firm to document compliance with the work practice standards in 40 C.F.R. § 745.85 by retaining records to document that a certified renovator performed or directed workers who performed all of the work practice standards described in 40 C.F.R. § 745.85(a).

25. 40 C.F.R. § 745.86(b)(6)(i) requires a firm to document compliance with the work practice standards in 40 C.F.R. § 745.85 by retaining records to document that the certified renovator performed on-the-job training for workers used on the renovation project.

26. 40 C.F.R. § 745.86(b)(6)(viii) requires a firm to document compliance with the work practice standards in 40 C.F.R. § 745.85 by retaining records to document that the certified renovator performed the post-cleaning verification described in 40 C.F.R. § 745.85(b).

27. 40 C.F.R. § 745.86(b)(6) requires a firm to document compliance with the work practice standards in 40 C.F.R. § 745.85 by retaining a copy of a certification from the certified

renovator assigned to the project certifying the requirements in 40 C.F.R. § 745.86(b)(6)(i) through (viii) were completed.

28. Section 16(a) of TSCA, 42 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 \$43,611 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 12, 2022.

Factual Allegations and Alleged Violations

29. At all times relevant to this Complaint, Respondent was a corporation with a place of business located at 8301 Pearl Road, Strongsville, Ohio, and was a *firm* as defined by 40 C.F.R. § 745.83.

30. On January 20 and February 10, 2021, EPA conducted an on-site inspection at Respondent’s place of business located at 8301 Pearl Road, Strongsville, Ohio, regarding Respondent’s compliance with the residential property renovation requirements at 40 C.F.R. Part 745, Subpart E.

31. Based on information gathered during the on-site inspection on February 10, 2021, on thirteen (13) occasions from March 14, 2019 to January 11, 2021, Respondent performed or directed workers who performed window projects at the properties described in the table below:

Renovation Work Performed at Target Housing

Housing Address	Year Built	Contracted Work	Date(s) Work Performed
47979 Whitney Rd, Wellington, Ohio	1900	Windows	May 31, 2019
4908 13 th St. SW, Canton, Ohio	1950	Windows	November 6, 2020
2605 Lee Rd, Cleveland, Ohio	1925	Windows	December 10, 2019
2032 Treadway, Cleveland, Ohio	1916	Windows	December 7, 2019
1383 S. Lyn Circle, South Euclid, Ohio	1967	Windows	April 7, 2020

Housing Address	Year Built	Contracted Work	Date(s) Work Performed
4422 West 48 th , Cleveland, Ohio	1925	Windows	April 22, 2019
3938 Poe Ave., Cleveland, Ohio	1910	Windows	August 11, 2020
1837 E. 223 rd St., Euclid, Ohio	1950	Windows	October 17, 2019
4772 Forest Edge Dr., Brooklyn, Ohio	1967	Windows	November 20, 2019
1227 Carlyon Rd, E. Cleveland, Ohio	1909	Windows	June 8, 2020
5115 Mills Creek Ln, N. Ridgeville, Ohio	1976	Windows	October 30, 2019
527 Barker St., Wellington, Ohio	1960	Windows	October 14, 2019
10605 Manoa, Cleveland, Ohio	1959	Windows	January 11, 2021

32. The window work that Respondent performed at the properties listed in paragraph 31, above, were modifications of the buildings' existing structure that resulted in disturbance of painted surfaces and were *renovations* as defined in 40 C.F.R. § 745.83.

33. During the January 20, 2021 inspection, EPA requested all records for the renovations that Respondent had performed during the calendar years 2019 and 2020. Respondent provided a large number of contracts, including the contracts for the thirteen renovations identified in paragraph 31.

34. The buildings listed at the addresses in paragraph 31, above, are residential housing built prior to 1978, and therefore are *target housing* as defined in 40 C.F.R. § 745.103.

35. Respondent either performed or directed workers to perform the renovations described in paragraph 31, above, and is a *renovator* as defined in 40 C.F.R. § 745.83.

36. For the three renovation projects at 2605 Lee Road, 4772 Forest Edge Drive, and 5115 Mills Creek Lane described in paragraph 31, Respondent failed to provide the owner of the unit with the EPA-approved lead hazard information pamphlet as required by 40 C.F.R. § 745.84(a)(1).

37. For the ten renovation projects at 47979 Whitney Road, 4908 13th Street Southwest, 2605 Lee Road, 2032 Treadway, 1383 South Lyn Circle, 3938 Poe Avenue, 1837 East 223rd Street, 1227 Carlyon Road East, 527 Barker Street, and 10605 Manoa described in paragraph 31, Respondent failed to provide documentation for on-the-job training for workers as required by 40 C.F.R. § 745.86(b)(6)(i).

38. For the renovation project at 4422 West 48th Street described in paragraph 31, Respondent failed to provide post-documentation cleaning as required by 40 C.F.R. § 745.86(b)(6)(viii).

Civil Penalty

39. 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 five thousand dollars (\$5,000). 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.

40. Within 30 days after the effective date of this CAFO, Respondent must pay a \$5,000 civil 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 979078
St. Louis, Missouri 63197-9000

or, if the check is to be send by express mail, by sending a cashier's or certified check, payable to

“Treasurer, United States of America,” to:

U.S. Bank
Government Lockbox 979078
U.S. EPA Fines and Penalties
1005 Convention Plaza
Mail Station SL-MO-C2-GL
St. Louis, Missouri 63101

For either method of delivery, the check must identify the Respondent, Solar Supply Center, Inc., and also include the docket number of this CAFO: TSCA-05-2023-0006.

41. 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

Craig Meredith (ECP-17J)
Pesticides and Toxics Compliance Section
U.S. EPA, Region 5
meredith.craig@epa.gov
and
R5lecab@epa.gov

Cynthia King (C-14J)
Office of Regional Counsel
U.S. EPA, Region 5
king.cynthia@epa.gov

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

43. If Respondent does not pay timely 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). The validity, amount, and appropriateness of the civil penalty are not reviewable in a collection action.

44. 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 6 percent per year penalty on any principal amount 90 days past due.

General Provisions

45. The parties consent to service of this CAFO by e-mail at the following valid e-mail addresses: king.cynthia@epa.gov (for Complainant), and dvanslyke@preti.com (for Respondent). Respondent understands that the CAFO will become publicly available upon filing.

46. This CAFO resolves only Respondent's liability for federal civil penalties for the violations alleged in the CAFO.

47. 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.

48. This CAFO does not affect Respondent's responsibility to comply with TSCA, 15 U.S.C. § 2601 *et seq.*, its implementing regulations, and other applicable federal, state, and local laws.

49. Respondent certifies that it is complying with the residential property renovation regulations at 40 C.F.R. Part 745, Subpart E.

50. Following the effective date of this CAFO, this CAFO will constitute 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).

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

52. Each person signing this CAFO 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.

53. Each party agrees to bear its own costs and attorneys' fees in this action.
54. This CAFO constitutes the entire agreement between the parties.

**Consent Agreement and Final Order
In the Matter of: Solar Supply Center, Inc.
Docket No.: TSCA-05-2023-0006**



Asim Jaffary
Owner
Solar Supply Center, Inc.

08/16/2023

Date

**Consent Agreement and Final Order
In the Matter of: Solar Supply Center, Inc.
Docket No.: TSCA-05-2023-0006**

United States Environmental Protection Agency, Complainant

Michael D. Harris
Division Director
Enforcement and Compliance Assurance Division

**Consent Agreement and Final Order
In the Matter of: Solar Supply Center, Inc.
Docket No.: TSCA-05-2023-0006**

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