

UNITED STATES
ENVIRONMENTAL PROTECTION
AGENCY-REGION 7
2019 DEC 13 AM 11:58

U. S. ENVIRONMENTAL PROTECTION AGENCY
REGION 7
11201 RENNER BOULEVARD
LENEXA, KANSAS 66219

In the Matter of:)
)
Growing Days, LLC,) **Docket No. TSCA-07-2020-0008**
)
 Respondent.)
)

CONSENT AGREEMENT AND FINAL ORDER

Preliminary Statement

The U.S. Environmental Protection Agency, Region 7 (“EPA” or “Complainant”), and Growing Days, LLC (“Respondent”) have agreed to a settlement of this action before the 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 and the Revocation/Termination or Suspension of Permits, 40 C.F.R. §§ 22.13(b) and 22.18(b)(2).

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 the EPA has reason to believe that Respondent has violated Section 409 of TSCA, 15 U.S.C. § 2689, by failing to comply with the regulatory requirements of 40 C.F.R. Part 745, Subpart E, *Lead-Based Paint Renovation, Repair and Painting Rule*, promulgated pursuant to 15 U.S.C. §§ 2682, 2686 and 2687.

Parties

3. Complainant, by delegation from the Administrator of the EPA and the Regional Administrator, EPA, Region 7, is the Director of the Enforcement and Compliance Assurance Division, EPA, Region 7.
4. Respondent is Growing Days, LLC, a limited liability company in good standing under the laws of the state of Kansas, doing business in Kansas and Missouri.

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. One of the stated purposes of the Act is to implement a broad program to reduce lead-based paint hazards in the Nation’s housing stock. 42 U.S.C. § 4851a(2). The Act amended TSCA by adding *Title IV—Lead Exposure Reduction*, Sections 401 to 412, 15 U.S.C. §§ 2681 to 2692.

6. Section 402 of TSCA, 15 U.S.C. § 2682, requires that the Administrator of EPA promulgate regulations governing the training and certification of individuals and contractors engaged in lead-based paint activities, including renovation of target housing.

7. Pursuant to Section 402(a) of TSCA, 15 U.S.C. § 2682(a), the EPA promulgated regulations at 40 C.F.R. Part 745, Subpart L, *Lead Based Paint Activities*. See Lead; Requirements for Lead-Based Paint Activities in Target Housing and Child-Occupied Facilities, 61 Fed. Reg. 45778, 45813 (Aug. 29, 1996). Pursuant to Section 406(b) and Section 407 of TSCA, 15 U.S.C. § 2686(b) and 2687, the EPA promulgated regulations at 40 C.F.R. Part 745, Subpart E, *Residential Property Renovation*. See Lead; Requirements for Hazard Education Before Renovation of Target Housing, 63 Fed. Reg. 29908, 29919 (June 1, 1998). Finally, pursuant to Section 402(c)(3) of TSCA, 15 U.S.C. § 2682(c)(3), the EPA amended and re-codified regulations at 40 C.F.R. Part 745, Subparts E and L, and added additional regulations at 40 C.F.R. Subpart L (“Renovation, Repair, and Painting Rule”). See Lead; Renovation, Repair, and Painting Program, 73 Fed. Reg. 21692, 21758 (Mar. 31, 2008).

8. The regulations set forth at 40 C.F.R. Subpart E, *Residential Property Renovation*, including the Renovation, Repair, and Painting Rule, require that owners and occupants of target housing and child-occupied facilities receive information on lead-based paint hazards before renovations begin, establish work practice standards for renovations that disturb painted surfaces in target housing and child-occupied facilities and requires that firms and individuals performing, offering, or claiming to perform such renovations are properly trained and obtain EPA certification.

9. The requirements set forth in the regulations at 40 C.F.R. Subpart E, *Residential Property Renovation*, apply to all renovations performed for compensation in target housing and child-occupied facilities, unless otherwise excluded as set forth in 40 C.F.R. § 745.82.

10. The regulation at 40 C.F.R. § 745.83 defines “renovation” as 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 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, planing thresholds to install weather stripping); and interim controls that disturb painted surfaces.

11. Section 401(17) of TSCA, 15 U.S.C. § 2681(17), defines “target housing” as any housing constructed prior to 1978, except housing for the elderly or persons with disabilities or any zero-bedroom dwelling (unless any child who is less than six years of age resides or is expected to reside in such housing).

12. The regulation at 40 C.F.R. § 745.83 defines “firm” as 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.

13. The regulation at 40 C.F.R. § 745.83 defines “person” as any natural or judicial person including any individual, corporation, partnership, or association; any Indian Tribe, State, or political subdivision thereof; any interstate body; and any department, agency, or instrumentality of the Federal Government.

14. The regulation at 40 C.F.R. § 745.87(a) provides that failure or refusal to comply with any provision of 40 C.F.R. Part 745, Subpart E, is a violation of Section 409 of TSCA, 15 U.S.C. § 2689. Section 409 of TSCA, 15 U.S.C. § 2689, provides that it shall be unlawful for any person to fail to comply with, *inter alia*, any provision of 40 C.F.R. Part 745, Subpart E.

15. Section 16(a) of TSCA, 15 U.S.C. § 2615(a), as amended, and 40 C.F.R. § 745.87(d), authorize a civil penalty of not more than \$37,500 per day for violations of Section 409 of TSCA, 15 U.S.C. § 2689. The Debt Collection Improvement Act of 1996, 31 U.S.C. § 3701, as amended, and the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015, 28 U.S.C. § 2461, and implementing regulations at 40 C.F.R. Part 19, increased these statutory maximum penalties to \$39,873 for violations that occur after November 2, 2015, and are assessed after February 6, 2019. Pursuant to Section 16(a)(2)(C) of TSCA, “[t]he Administrator may compromise, modify, or remit, with or without conditions, any civil penalty which may be imposed [under this subsection.]”

General Factual Allegations

16. At all times referred to herein, Respondent was an entity doing business in the states of Kansas and Missouri under the name “Growing Days, LLC” and participated in the renovation of houses in the Kansas City Area for a television show called “Bargain Mansions.”

17. Respondent, at all times referred to herein, was a “person” and “firm” as defined by 40 C.F.R. § 745.83.

18. Pursuant to Section 11 of TSCA, 15 U.S.C. § 2610, and the record-keeping requirements set forth at 40 C.F.R. §§ 745.84 and 745.86, on December 6, 2018, representatives of the EPA requested information and documentation necessary to assess Respondent’s compliance with TSCA and the requirements of the Renovation, Repair, and Painting Rule for all renovations of housing constructed prior to 1978 featured in recent seasons of the

Bargain Mansions television show, and all of Respondent's other renovation activities in pre-1978 housing since January 1, 2015.

19. On February 28, 2019, Respondent provided the EPA with information and documentation about the renovations in response to EPA's December 6, 2018, request.

20. At all times relevant to this CAFO, Respondent was engaged in a "renovation," as defined by 40 C.F.R. § 745.83, of each of the properties set forth below.

21. At all times relevant to this CAFO, each of Respondent's renovations was a "renovation for compensation" per 40 C.F.R. § 745.82(a).

22. At all times relevant to this CAFO, each of the properties set forth below was "target housing" as defined by Section 401(17) of TSCA, 15 U.S.C. § 2681(17), having been built before 1978.

23. Based on the material provided to the EPA by Respondent, as well as publicly available video recordings, the EPA alleges that Respondent violated the Renovation, Repair, and Painting Rule and Section 409 of TSCA, 15 U.S.C. § 2689, as a result of Respondent's renovation activities at each of the properties described below.

ALLEGED VIOLATIONS

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

FAILURE OF A FIRM TO OBTAIN INITIAL CERTIFICATION APPLICABLE TO ALL TARGET HOUSING UNITS HEREIN

COUNT 1

24. Each and every preceding paragraph is incorporated by reference herein.

25. Pursuant to 40 C.F.R. § 745.81(a)(2)(ii), firms performing renovations for compensation on or after April 22, 2010, must be certified by the EPA and have obtained initial certification prior to performance of renovations, unless the renovation qualifies for one of the exceptions identified in 40 C.F.R. § 745.82. The regulation at 40 C.F.R. § 745.89(a)(1) requires firms that perform renovations for compensation to apply to EPA for certification to perform renovations or dust sampling.

26. Respondent did not apply for or obtain certification from the EPA to perform renovations or dust sampling prior to performing the renovations on the target housing units described in this CAFO. Furthermore, these renovations did not qualify for one of the exceptions identified in 40 C.F.R. § 745.82.

27. Respondent's failure to apply to the EPA for certification pursuant to 40 C.F.R.

§ 745.89(a)(1) prior to performance of the renovations on any of the target housing units described in this CAFO is a violation of 40 C.F.R. § 745.81(a)(2)(ii). Respondent, therefore, violated Section 409 of TSCA, 15 U.S.C. § 2689.

28. Counts 2 through 4 herein apply to the property located at ██████████, Kansas City, Missouri the "██████████ Property," which was target housing, having been built in approximately 1892, and at which Respondent conducted renovation activities in or around April 2017 through October 2017.

29. Respondent performed a regulated renovation at the ██████████ Property.

COUNT 2

30. Each and every preceding paragraph is incorporated by reference herein.

31. Pursuant to 40 C.F.R. § 745.81(a)(4)(ii), all renovations must be performed in accordance with the work practice standards in 40 C.F.R. § 745.85. For interior renovations, the regulation at 40 C.F.R. § 745.85(a)(2)(i)(D) requires firms to cover the floor surface, including installed carpet, with taped-down plastic sheeting or other impermeable material in the work area six feet beyond the perimeter of surfaces undergoing renovation or a sufficient distance to contain the dust, whichever is greater.

32. EPA's investigation revealed that Respondent did not cover the floor at the ██████████ Property with any taped-down plastic sheeting or other impermeable material in the work area undergoing renovation, as required by 40 C.F.R. § 745.85(a)(2)(i)(D).

33. Respondent's failure to cover the floor surface in the work area at the ██████████ Property with taped-down plastic sheeting or other impermeable material is a violation of 40 C.F.R. § 745.85(a)(2)(i)(D) pursuant to 40 C.F.R. § 745.81(a)(4)(ii). Respondent, therefore, violated Section 409 of TSCA, 15 U.S.C. § 2689.

COUNT 3

34. Each and every preceding paragraph is incorporated by reference herein.

35. Pursuant to 40 C.F.R. § 745.81(a)(4)(ii), all renovations must be performed in accordance with the work practice standards in 40 C.F.R. § 745.85. The regulation at 40 C.F.R. § 745.85(a)(3)(ii) prohibits firms from using machines designed to remove paint or other surface coatings through high speed operation such as sanding on painted surfaces unless such machines have shrouds or containment systems and are equipped with a HEPA vacuum attachment to collect dust and debris at the point of generation.

36. At the ██████████ Property, Respondent did use a machine designed to remove paint or other surface coatings through a high speed operation such as sanding on painted

surfaces without said machine having a shroud or containment system and which was not equipped with a HEPA vacuum attachment to collect dust and debris at the point of generation, as required by 40 C.F.R. § 745.85(a)(3)(ii).

37. Respondent's use of a machine designed to remove paint or other surface coatings through a high speed operation such as sanding on painted surfaces or other coated surfaces at the [REDACTED] Property without said machine having a shroud or containment system and which was not equipped with a HEPA vacuum attachment to collect dust and debris at the point of generation is a violation of 40 C.F.R. § 745.85(a)(3)(ii) pursuant to 40 C.F.R. § 745.81(a)(4)(ii). Respondent, therefore, violated Section 409 of TSCA, 15 U.S.C. § 2689.

COUNT 4

38. Each and every preceding paragraph is incorporated by reference herein.

39. Pursuant to 40 C.F.R. § 745.81(a)(4)(ii), all renovations must be performed in accordance with the work practice standards in 40 C.F.R. § 745.85. Pursuant to 40 C.F.R. § 745.81(a)(4)(i), all renovations must be performed in accordance with the work practice standards in 40 C.F.R. § 745.85. The regulation at 40 C.F.R. § 745.85(a)(4)(ii) requires firms at the conclusion of each work day to ensure that waste that has been collected from renovation activities be stored under containment, in an enclosure, or behind a barrier that prevents release of dust and debris out of the work area and prevents access to dust and debris.

40. At the [REDACTED] Property, Respondent failed to ensure at the conclusion of each work day that waste that had been collected from renovation activities be stored under containment, in an enclosure, or behind a barrier that prevents release of dust and debris out of the work area and prevents access to dust and debris, as required by 40 C.F.R. § 745.85(a)(4)(ii).

41. Respondent's failure to properly collect and store waste from renovation activities ensure at the conclusion of each work day that waste that had been collected from renovation activities at the [REDACTED] Property be stored under containment, in an enclosure, or behind a barrier that prevents release of dust and debris out of the work area and prevents access to dust and debris is a violation of 40 C.F.R. § 745.85(a)(4)(ii) pursuant to 40 C.F.R. § 745.81(a)(4)(ii). Respondent, therefore, violated Section 409 of TSCA, 15 U.S.C. § 2689.

[REDACTED]

COUNT 5

42. Each and every preceding paragraph is incorporated by reference herein.

43. This count applies to the property located at [REDACTED] Kansas City, Missouri, the "[REDACTED] Property," which was target housing, having been built in approximately 1909, and at which Respondent conducted renovation activities in or around April 2017 through March 2018.

44. Respondent performed a regulated renovation at the [REDACTED] Property.

45. Pursuant to 40 C.F.R. § 745.81(a)(4)(ii), all renovations must be performed in accordance with the work practice standards in 40 C.F.R. § 745.85. For interior renovations, the regulation at 40 C.F.R. § 745.85(a)(2)(i)(D) requires firms to cover the floor surface, including installed carpet, with taped-down plastic sheeting or other impermeable material in the work area six feet beyond the perimeter of surfaces undergoing renovation or a sufficient distance to contain the dust, whichever is greater.

46. EPA's investigation revealed that Respondent did not cover the floor surface at the [REDACTED] Property with any taped-down plastic sheeting or other impermeable material in the work area undergoing renovation, as required by 40 C.F.R. § 745.85(a)(2)(i)(D).

47. Respondent's failure to cover the floor surface in the work area at the [REDACTED] Property with taped-down plastic sheeting or other impermeable material is a violation of 40 C.F.R. § 745.85(a)(2)(i)(D) pursuant to 40 C.F.R. § 745.81(a)(4)(ii). Respondent, therefore, violated Section 409 of TSCA, 15 U.S.C. § 2689.

[REDACTED] KANSAS CITY, MISSOURI

COUNT 6

48. Each and every preceding paragraph is incorporated by reference herein.

49. This count applies to the property located at [REDACTED] Kansas City, Missouri, the "[REDACTED] Property," which was target housing, having been built in approximately 1926, and at which Respondent began conducting renovation activities after January 1, 2015.

50. Respondent performed a regulated renovation at the [REDACTED] Property.

51. Pursuant to 40 C.F.R. § 745.81(a)(4)(ii), all renovations must be performed in accordance with the work practice standards in 40 C.F.R. § 745.85. For interior renovations, the regulation at 40 C.F.R. § 745.85(a)(2)(i)(D) requires firms to cover the floor surface, including installed carpet, with taped-down plastic sheeting or other impermeable material in the work area six feet beyond the perimeter of surfaces undergoing renovation or a sufficient distance to contain the dust, whichever is greater.

52. EPA's investigation revealed that Respondent did not cover the floor at the [REDACTED] Property with any taped-down plastic sheeting or other impermeable material in the work area undergoing renovation, as required by 40 C.F.R. § 745.85(a)(2)(i)(D).

53. Respondent's failure to cover the floor surface in the work area at the [REDACTED] Property with taped-down plastic sheeting or other impermeable material is a violation of 40 C.F.R. § 745.85(a)(2)(i)(D) pursuant to 40 C.F.R. § 745.81(a)(4)(ii). Respondent, therefore, violated Section 409 of TSCA, 15 U.S.C. § 2689.

KANSAS CITY, MISSOURI

54. Counts 7 through 9 herein apply to the property located at [REDACTED] Kansas City, Missouri, the “[REDACTED] Property,” which was target housing, having been built in approximately 1897, and at which Respondent conducted renovation activities after January 1, 2015.

55. Respondent performed a regulated renovation at the [REDACTED] Property.

COUNT 7

56. Each and every preceding paragraph is incorporated by reference herein.

57. Pursuant to 40 C.F.R. § 745.81(a)(4)(ii), all renovations must be performed in accordance with the work practice standards in 40 C.F.R. § 745.85. For interior renovations, the regulation at 40 C.F.R. § 745.85(a)(2)(i)(D) requires firms to cover the floor surface, including installed carpet, with taped-down plastic sheeting or other impermeable material in the work area six feet beyond the perimeter of surfaces undergoing renovation or a sufficient distance to contain the dust, whichever is greater.

58. Respondent failed to cover the floor surface at the [REDACTED] Property with taped-down plastic sheeting or other impermeable material in the work area undergoing renovation, as required by 40 C.F.R. § 745.85(a)(2)(i)(D).

59. Respondent’s failure to cover the floor surface in the work area at the [REDACTED] Property with taped-down plastic sheeting or other impermeable material is a violation of 40 C.F.R. § 745.85(a)(2)(i)(D) pursuant to 40 C.F.R. § 745.81(a)(4)(ii). Respondent, therefore, violated Section 409 of TSCA, 15 U.S.C. § 2689.

COUNT 8

60. Each and every preceding paragraph is incorporated by reference herein.

61. Pursuant to 40 C.F.R. § 745.81(a)(4)(ii), all renovations must be performed in accordance with the work practice standards in 40 C.F.R. § 745.85. The regulation at 40 C.F.R. § 745.85(a)(2)(i)(B) requires firms to close and cover all ducts opening in the work area with taped-down plastic sheeting or other impermeable material.

62. During the renovation at the [REDACTED] Property, Respondent did not close and cover all ducts opening in the work area with taped-down plastic sheeting or other impermeable material, as required by 40 C.F.R. § 745.85(a)(2)(i)(B).

63. Respondent’s failure to close cover all ducts opening in the work area with taped-down plastic sheeting or other impermeable material during the renovation at the [REDACTED] Property is a violation of 40 C.F.R. § 745.85(a)(2)(i)(B) pursuant to 40 C.F.R. § 745.81(a)(4)(ii).

Respondent, therefore, violated Section 409 of TSCA, 15 U.S.C. § 2689.

COUNT 9

64. Each and every preceding paragraph is incorporated by reference herein.

65. Pursuant to 40 C.F.R. § 745.81(a)(4)(ii), all renovations must be performed in accordance with the work practice standards in 40 C.F.R. § 745.85. The regulation at 40 C.F.R. § 745.85(a)(4)(i) requires firms to contain waste from renovation activities and to prevent the release of dust and debris before the waste is removed from the work area for storage or disposal.

66. At the [REDACTED] Property, Respondent failed to contain waste from renovation activities and to prevent the release of dust and debris before the waste is removed from the work area for storage or disposal, as required by 40 C.F.R. § 745.85(a)(4)(i).

67. Respondent's failure to contain waste from renovation activities and to prevent the release of dust and debris before the waste is removed from the work area for storage or disposal at the [REDACTED] Property is a violation of 40 C.F.R. § 745.85(a)(4)(i) pursuant to 40 C.F.R. § 745.81(a)(4)(ii). Respondent, therefore, violated Section 409 of TSCA, 15 U.S.C. § 2689.

LEAWOOD, KANSAS

68. Counts 10 through 12 herein apply to the property located at [REDACTED] Leawood, Kansas, the "[REDACTED] Property," which was target housing, having been built in approximately 1938, and which Respondent conducted renovation activities in or around March 2018 through November 2018.

69. Respondent performed a regulated renovation at the [REDACTED] Property.

COUNT 10

70. Each and every preceding paragraph is incorporated by reference herein.

71. Pursuant to 40 C.F.R. § 745.81(a)(4)(ii), all renovations must be performed in accordance with the work practice standards in 40 C.F.R. § 745.85. For interior renovations, the regulation at 40 C.F.R. § 745.85(a)(2)(i)(D) requires firms to cover the floor surface, including installed carpet, with taped-down plastic sheeting or other impermeable material in the work area six feet beyond the perimeter of surfaces undergoing renovation or a sufficient distance to contain the dust, whichever is greater.

72. Respondent failed to cover the floor surface at the [REDACTED] Property with taped-down plastic sheeting or other impermeable material in the work area undergoing renovation, as required by 40 C.F.R. § 745.85(a)(2)(i)(D).

73. Respondent's failure to cover the floor surface in the work area at the [REDACTED]

Property with taped-down plastic sheeting or other impermeable material is a violation of 40 C.F.R. § 745.85(a)(2)(i)(D) pursuant to 40 C.F.R. § 745.81(a)(4)(ii). Respondent, therefore, violated Section 409 of TSCA, 15 U.S.C. § 2689.

COUNT 11

74. Each and every preceding paragraph is incorporated by reference herein.

75. Pursuant to 40 C.F.R. § 745.81(a)(4)(ii), all renovations must be performed in accordance with the work practice standards in 40 C.F.R. § 745.85. For exterior renovations, the regulation at 40 C.F.R. § 745.85(a)(2)(ii)(C) requires firms to cover the ground with plastic sheeting or other impermeable material in the work area ten feet beyond the renovation or a sufficient distance to collect falling paint debris, whichever is greater.

76. At the Property, Respondent failed to cover the ground with impermeable material in the work area ten feet beyond the renovation or a sufficient distance to collect falling paint debris, whichever is greater, as required by 40 C.F.R. § 745.85(a)(2)(ii)(C).

77. Respondent's failure to cover the ground at the Property with impermeable material in the work area ten feet beyond the renovation or a sufficient distance to collect falling paint debris, whichever is greater, is a violation of 40 C.F.R. § 745.85(a)(2)(ii)(C) pursuant to 40 C.F.R. § 745.81(a)(4)(ii). Respondent, therefore, violated Section 409 of TSCA, 15 U.S.C. § 2689.

COUNT 12

78. Each and every preceding paragraph is incorporated by reference herein.

79. Pursuant to 40 C.F.R. § 745.81(a)(4)(ii), all renovations must be performed in accordance with the work practice standards in 40 C.F.R. § 745.85. The regulation at 40 C.F.R. § 745.85(a)(4)(i) requires firms to contain waste from renovation activities and to prevent the release of dust and debris before the waste is removed from the work area for storage or disposal.

80. At the Property, Respondent failed to contain waste from renovation activities and to prevent the release of dust and debris before the waste is removed from the work area for storage or disposal, as required by 40 C.F.R. § 745.85(a)(4)(i).

81. Respondent's failure to contain waste from renovation activities and to prevent the release of dust and debris before the waste is removed from the work area for storage or disposal at the Property is a violation of 40 C.F.R. § 745.85(a)(4)(i) pursuant to 40 C.F.R. § 745.81(a)(4)(ii). Respondent, therefore, violated Section 409 of TSCA, 15 U.S.C. § 2689.

KANSAS CITY, MISSOURI

82. Counts 13 and 14 herein apply to the property located at

Kansas City, Missouri, the “██████████ Property,” which was target housing, having been built in approximately 1905, and at which Respondent conducted renovation activities in or around March 2018 through October 2018.

83. Respondent performed a regulated renovation at the ██████████ Property.

COUNT 13

84. Each and every preceding paragraph is incorporated by reference herein.

85. Pursuant to 40 C.F.R. § 745.81(a)(4)(ii), all renovations must be performed in accordance with the work practice standards in 40 C.F.R. § 745.85. For interior renovations, the regulation at 40 C.F.R. § 745.85(a)(2)(i)(D) requires firms to cover the floor surface, including installed carpet, with taped-down plastic sheeting or other impermeable material in the work area six feet beyond the perimeter of surfaces undergoing renovation or a sufficient distance to contain the dust, whichever is greater.

86. Respondent failed to cover the floor surface at the ██████████ Property with taped-down plastic sheeting or other impermeable material in the work area undergoing renovation, as required by 40 C.F.R. § 745.85(a)(2)(i)(D).

87. Respondent’s failure to cover the floor surface in the work area at the ██████████ ██████████ Property with taped-down plastic sheeting or other impermeable material is a violation of 40 C.F.R. § 745.85(a)(2)(i)(D) pursuant to 40 C.F.R. § 745.81(a)(4)(ii). Respondent, therefore, violated Section 409 of TSCA, 15 U.S.C. § 2689.

COUNT 14

88. Each and every preceding paragraph is incorporated by reference herein.

89. Pursuant to 40 C.F.R. § 745.81(a)(4)(ii), all renovations must be performed in accordance with the work practice standards in 40 C.F.R. § 745.85. The regulation at 40 C.F.R. § 745.85(a)(2)(i)(B) requires firms to close and cover all ducts opening in the work area with taped-down plastic sheeting or other impermeable material.

90. During the renovation at the ██████████ Property, Respondent did not close and cover all ducts opening in the work area with taped-down plastic sheeting or other impermeable material, as required by 40 C.F.R. § 745.85(a)(2)(i)(B).

91. Respondent’s failure to close cover all ducts opening in the work area with taped-down plastic sheeting or other impermeable material during the renovation at the ██████████ ██████████ Property is a violation of 40 C.F.R. § 745.85(a)(2)(i)(B) pursuant to 40 C.F.R. § 745.81(a)(4)(ii). Respondent, therefore, violated Section 409 of TSCA, 15 U.S.C. § 2689.

██████████ **KANSAS CITY, MISSOURI**

COUNT 15

92. Each and every preceding paragraph is incorporated by reference herein.

93. This count applies to the property located at [REDACTED], Kansas City, Missouri, the “[REDACTED] Property,” which was target housing, having been built in approximately 1927, and at which Respondent conducted renovation activities in or around May 2018 through December 2018.

94. Respondent performed a regulated renovation at the [REDACTED] Property.

95. Pursuant to 40 C.F.R. § 745.81(a)(4)(ii), all renovations must be performed in accordance with the work practice standards in 40 C.F.R. § 745.85. For interior renovations, the regulation at 40 C.F.R. § 745.85(a)(2)(i)(D) requires firms to cover the floor surface, including installed carpet, with taped-down plastic sheeting or other impermeable material in the work area six feet beyond the perimeter of surfaces undergoing renovation or a sufficient distance to contain the dust, whichever is greater.

96. Respondent failed to cover the floor surface at the [REDACTED] Property with taped-down plastic sheeting or other impermeable material in the work area undergoing renovation, as required by 40 C.F.R. § 745.85(a)(2)(i)(D).

97. Respondent’s failure to cover the floor surface in the work area at the [REDACTED] [REDACTED] Property with taped-down plastic sheeting or other impermeable material is a violation of 40 C.F.R. § 745.85(a)(2)(i)(D) pursuant to 40 C.F.R. § 745.81(a)(4)(ii). Respondent, therefore, violated Section 409 of TSCA, 15 U.S.C. § 2689.

[REDACTED] KANSAS CITY, MISSOURI

98. Counts 16 and 17 herein apply to the property located at [REDACTED], Kansas City, Missouri, the “[REDACTED] Property,” which was target housing, having been built in approximately 1900, and at which Respondent conducted renovation activities in or around June 2018 through December 2018.

99. Respondent performed a regulated renovation at the [REDACTED] Property.

COUNT 16

100. Each and every preceding paragraph is incorporated by reference herein.

101. Pursuant to 40 C.F.R. § 745.81(a)(4)(ii), all renovations must be performed in accordance with the work practice standards in 40 C.F.R. § 745.85. For interior renovations, the regulation at 40 C.F.R. § 745.85(a)(2)(i)(D) requires firms to cover the floor surface, including installed carpet, with taped-down plastic sheeting or other impermeable material in the work area six feet beyond the perimeter of surfaces undergoing renovation or a sufficient distance to contain the dust, whichever is greater.

102. Respondent failed to cover the floor surface at the [REDACTED] Property with taped-down plastic sheeting or other impermeable material in the work area undergoing renovation, as required by 40 C.F.R. § 745.85(a)(2)(i)(D).

103. Respondent's failure to cover the floor surface in the work area at the [REDACTED] Property with taped-down plastic sheeting or other impermeable material is a violation of 40 C.F.R. § 745.85(a)(2)(i)(D) pursuant to 40 C.F.R. § 745.81(a)(4)(ii). Respondent, therefore, violated Section 409 of TSCA, 15 U.S.C. § 2689.

COUNT 17

104. Each and every preceding paragraph is incorporated by reference herein.

105. Pursuant to 40 C.F.R. § 745.81(a)(4)(ii), all renovations must be performed in accordance with the work practice standards in 40 C.F.R. § 745.85. The regulation at 40 C.F.R. § 745.85(a)(2)(i)(B) requires firms to close and cover all ducts opening in the work area with taped-down plastic sheeting or other impermeable material.

106. During the renovation at the [REDACTED] Property, Respondent did not close and cover all ducts opening in the work area with taped-down plastic sheeting or other impermeable material as required by 40 C.F.R. § 745.85(a)(2)(i)(B).

107. Respondent's failure to close cover all ducts opening in the work area with taped-down plastic sheeting or other impermeable material during the renovation at the [REDACTED] Property is a violation of 40 C.F.R. § 745.85(a)(2)(i)(B) pursuant to 40 C.F.R. § 745.81(a)(4)(ii). Respondent, therefore, violated Section 409 of TSCA, 15 U.S.C. § 2689.

[REDACTED] KANSAS CITY, MISSOURI

108. Counts 18 through 20 herein apply to the property located at [REDACTED] Kansas City, Missouri, the "[REDACTED] Property," which was target housing, having been built in approximately 1905, and at which Respondent conducted renovation activities in or around April 2018 through January 2019.

109. Respondent performed a regulated renovation at the [REDACTED] Property.

COUNT 18

110. Each and every preceding paragraph is incorporated by reference herein.

111. Pursuant to 40 C.F.R. § 745.81(a)(4)(ii), all renovations must be performed in accordance with the work practice standards in 40 C.F.R. § 745.85. For interior renovations, the regulation at 40 C.F.R. § 745.85(a)(2)(i)(D) requires firms to cover the floor surface, including installed carpet, with taped-down plastic sheeting or other impermeable material in the work area six feet beyond the perimeter of surfaces undergoing renovation or a sufficient distance to

contain the dust, whichever is greater.

112. Respondent failed to cover the floor surface at the [REDACTED] Property with taped-down plastic sheeting or other impermeable material in the work area undergoing renovation, as required by 40 C.F.R. § 745.85(a)(2)(i)(D).

113. Respondent's failure to cover the floor surface in the work area at the [REDACTED] Property with taped-down plastic sheeting or other impermeable material is a violation of 40 C.F.R. § 745.85(a)(2)(i)(D) pursuant to 40 C.F.R. § 745.81(a)(4)(ii). Respondent, therefore, violated Section 409 of TSCA, 15 U.S.C. § 2689.

COUNT 19

114. Each and every preceding paragraph is incorporated by reference herein.

115. Pursuant to 40 C.F.R. § 745.81(a)(4)(ii), all renovations must be performed in accordance with the work practice standards in 40 C.F.R. § 745.85. The regulation at 40 C.F.R. § 745.85(a)(2)(i)(B) requires firms to close and cover all ducts opening in the work area with taped-down plastic sheeting or other impermeable material.

116. During the renovation at the [REDACTED] Property, Respondent did not close and cover all ducts opening in the work area with taped-down plastic sheeting or other impermeable material, as required by 40 C.F.R. § 745.85(a)(2)(i)(B).

117. Respondent's failure to close cover all ducts opening in the work area with taped-down plastic sheeting or other impermeable material during the renovation at the [REDACTED] Property is a violation of 40 C.F.R. § 745.85(a)(2)(i)(B) pursuant to 40 C.F.R. § 745.81(a)(4)(ii). Respondent, therefore, violated Section 409 of TSCA, 15 U.S.C. § 2689.

COUNT 20

118. Each and every preceding paragraph is incorporated by reference herein.

119. Pursuant to 40 C.F.R. § 745.81(a)(4)(ii), all renovations must be performed in accordance with the work practice standards in 40 C.F.R. § 745.85. The regulation at 40 C.F.R. § 745.85(a)(3)(ii) prohibits firms from using machines designed to remove paint or other surface coatings through high speed operation such as sanding on painted surfaces unless such machines have shrouds or containment systems and are equipped with a HEPA vacuum attachment to collect dust and debris at the point of generation.

120. At the [REDACTED] Property, Respondent did use a machine designed to remove paint or other surface coatings through a high speed operation such as sanding on painted surfaces without said machine having a shroud or containment system and which was not equipped with a HEPA vacuum attachment to collect dust and debris at the point of generation, as required by 40 C.F.R. § 745.85(a)(3)(ii).

121. Respondent's use of a machine designed to remove paint or other surface coatings through a high speed operation such as sanding on painted surfaces or other coated surfaces at the [REDACTED] Property without said machine having a shroud or containment system and which was not equipped with a HEPA vacuum attachment to collect dust and debris at the point of generation is a violation of 40 C.F.R. § 745.85(a)(3)(ii) pursuant to 40 C.F.R. § 745.81(a)(4)(ii). Respondent, therefore, violated Section 409 of TSCA, 15 U.S.C. § 2689.

LEAWOOD, KANSAS

122. Counts 21 and 22 herein apply to the property located at [REDACTED], Leawood, Kansas, the "[REDACTED] Property," which was target housing, having been built in approximately 1950, and at which Respondent conducted renovation activities in or around March 2018 through September 2018.

123. Respondent performed a regulated renovation at the [REDACTED] Property.

COUNT 21

124. Each and every preceding paragraph is incorporated by reference herein.

125. Pursuant to 40 C.F.R. § 745.81(a)(4)(ii), all renovations must be performed in accordance with the work practice standards in 40 C.F.R. § 745.85. For interior renovations, the regulation at 40 C.F.R. § 745.85(a)(2)(i)(D) requires firms to cover the floor surface, including installed carpet, with taped-down plastic sheeting or other impermeable material in the work area six feet beyond the perimeter of surfaces undergoing renovation or a sufficient distance to contain the dust, whichever is greater.

126. Respondent failed to cover the floor surface at the [REDACTED] Property with taped-down plastic sheeting or other impermeable material in the work area undergoing renovation, as required by 40 C.F.R. § 745.85(a)(2)(i)(D).

127. Respondent's failure to cover the floor surface in the work area at the [REDACTED] Property with taped-down plastic sheeting or other impermeable material is a violation of 40 C.F.R. § 745.85(a)(2)(i)(D) pursuant to 40 C.F.R. § 745.81(a)(4)(ii). Respondent, therefore, violated Section 409 of TSCA, 15 U.S.C. § 2689.

COUNT 22

128. Each and every preceding paragraph is incorporated by reference herein.

129. Pursuant to 40 C.F.R. § 745.81(a)(4)(ii), all renovations must be performed in accordance with the work practice standards in 40 C.F.R. § 745.85. The regulation at 40 C.F.R. § 745.85(a)(2)(i)(B) requires firms to close and cover all ducts opening in the work area with taped-down plastic sheeting or other impermeable material.

130. During the renovation at the [REDACTED] Property, Respondent did not close and

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

131. Respondent's failure to close cover all ducts opening in the work area with taped-down plastic sheeting or other impermeable material during the renovation at the [REDACTED] Property is a violation of 40 C.F.R. § 745.85(a)(2)(i)(B) pursuant to 40 C.F.R. § 745.81(a)(4)(ii). Respondent, therefore, violated Section 409 of TSCA, 15 U.S.C. § 2689.

CONSENT AGREEMENT

132. For the purpose of this proceeding, as required by 40 C.F.R. § 22.18(b)(2), Respondent:

- (a) admits the jurisdictional allegations set forth herein;
- (b) neither admits nor denies specific factual allegations contained herein;
- (c) consents to the assessment of a civil penalty as stated below;
- (d) consents to the issuance of any specified compliance or corrective action order;
- (e) consents to any conditions specified herein;
- (f) waives any right to contest the alleged violations of law set forth herein; and
- (g) waives its rights to appeal the Final Order accompanying this Consent Agreement.

133. Respondent consents to the issuance of this CAFO and consents for the purposes of settlement to the payment of the civil penalty specified herein and to completion of the Conditions described below.

134. 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.

A. Penalty Payment

135. Pursuant to Section 16 of TSCA, 15 U.S.C. § 2615, EPA considered the nature, circumstances, extent, and gravity of the alleged violations; Respondent's ability to pay; the effect of the penalty on Respondent's ability to continue operations; Respondent's history of prior violations; Respondent's degree of culpability; any economic benefit gained; and such other matters as justice requires. After consideration of the foregoing factors and the factors set forth 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 dated August, 2010 (“LBP Consolidated ERPP”), EPA determined that a civil penalty in the amount of Twenty-Seven Thousand Sixty Dollars (\$27,060) is assessed against Respondent for the violations of TSCA alleged herein.

136. Pursuant to Section 16(a)(2)(C) of TSCA, 15 U.S.C. § 2615(a)(2)(C), and 40 C.F.R. § 22.31, Respondent and EPA agree that payment of a portion of this civil penalty by Respondent is remitted on the conditions set forth in this CAFO.

137. EPA agrees to remit Twenty-Five Thousand Dollars (\$25,000) of the civil penalty, for the TSCA violations alleged herein through the effective date of this CAFO, conditioned upon Respondent’s compliance with all the terms and Conditions set forth in the “CONDITIONS” section of this CAFO to EPA’s satisfaction.

138. EPA and Respondent agree that, in compromise of the claims alleged herein and upon the Conditions set forth in the “CONDITIONS” section of this CAFO, Respondent shall pay a civil penalty of Two Thousand Sixty dollars (\$2,060) as set forth below.

139. Respondent shall pay the penalty within thirty (30) days of the effective date of this CAFO. Such 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:

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

or by alternate payment method described at <http://www.epa.gov/financial/makepayment>.

140. 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.

141. Respondent understands that its failure to timely pay any portion of the civil penalty as stated herein 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 begin to accrue on a civil or stipulated penalty from the date of delinquency until such civil or stipulated penalty and any accrued interest are paid in full. 31 C.F.R. § 901.9. Interest will be assessed at a rate of the United States Treasury Tax and loan rates in accordance with 31 U.S.C. § 3717. Additionally, a charge will be assessed to cover the costs of debt collection including processing and handling costs, and a non-payment penalty charge of six (6) percent per year compounded annually will be assessed on any portion of the debt which remains delinquent more than ninety (90) days after payment is due. 31 U.S.C. § 3717(e)(2).

B. Conditions

Respondent and EPA have also agreed, in compromise of the civil penalty that otherwise may be imposed herein, to the following conditions of settlement:

142. Respondent shall obtain firm renovation certification, as required by federal and state regulations, and shall post the certification logo on its website, currently www.growingdays.com, or an equivalent successor website.

143. Communication of RRP Firm Certification: Respondent shall post a copy of Respondent's Lead Certification or the EPA or state certified logo, to Respondent's public website, currently www.growingdays.com, or an equivalent successor or affiliated internet platform which Respondent owns, manages or controls, within ninety (90) days of the execution of this CAFO and will be maintained on the website for a period of one (1) year.

144. Video Project: Respondent shall produce a Video about renovations involving lead-based paint, primarily featuring Tamara Day, and post the Video to Respondent's public website and blog, currently www.growingdays.com, or an equivalent successor or affiliated internet platform which Respondent owns, manages or controls, within ninety (90) days of the execution of this CAFO, for a consecutive period lasting no less than one (1) year from the effective date of this CAFO, refreshing the Video on the blog quarterly during that time period. The Video script and content will be developed in consultation with EPA. The duration of the Video shall be no less than three minutes and shall include, at a minimum, the following elements:

- (a) Discussion of the use of lead-based paint in homes prior to 1978 and its continuing presence in older homes;
- (b) General discussion of the danger of human exposure to lead-based paint, especially to children;
- (c) Discussion of the general nature of the requirements in 40 C.F.R. Part 745, Subpart E, and a recommendation that viewers check these as well as their local and state regulations before renovating a home built prior to 1978;
- (d) Discussion of the benefit of using RRP Certified Firms and Renovators;

- (e) Visual depiction of no less than four (4) of the safe work practices described in 40 C.F.R. § 745.85, such as removing or covering all objects in the work area, including furniture, rugs, and window coverings pursuant to § 745.85(a)(2)(i)(A); closing and covering duct openings pursuant to § 745.85(a)(2)(i)(B); closing windows and covering doors with plastic sheeting pursuant to § 745.85(a)(2)(i)(C); using plastic sheeting or other impermeable materials to cover interior floors pursuant to § 745.85(a)(2)(i)(D) or ground, for exterior renovation, pursuant to § 745.85(a)(2)(ii)(C); using a HEPA vacuum attachment with a sanding machine pursuant to § 745.85(a)(3)(ii); containing renovation waste to prevent the release of dust and debris when the waste is removed from the worksite, pursuant to § 745.85(a)(4)(i);
- (f) Discussion or depiction of no less of that one (1) example of post-renovation cleaning verification pursuant to 40 C.F.R. § 745.85(b); and
- (g) A statement in the credits of the Video indicating that the video project was undertaken in connection with the settlement of an enforcement action taken by the U.S. Environmental Protection Agency to enforce federal laws.

145. Respondent shall cause Tamara Day to dedicate from her Instagram account, currently “Growing_Days” or an equivalent successor Instagram account which Tamara Day owns, manages or controls, one post containing an excerpt of the Video, with a caption that includes a description of where to locate the full Video on Respondent’s website, within sixty (60) days following completion of the Video. Respondent shall cause Tamara Day to repeat such a post at three-month intervals thereafter for a total of four (4) Instagram posts.

146. Respondent shall cause Tamara Day to post on her Facebook Page, currently, “Tamara Day” or an equivalent successor Facebook page which Tamara Day owns, manages or controls, one post containing a link to the Video, with a caption that briefly explains the need to follow the TSCA RRP Lead Paint Rule, within thirty (30) days following completion of the Video. Respondent shall cause Tamara Day to repeat such a post at three-month intervals thereafter for a total of four (4) Facebook posts.

147. Respondent must provide EPA immediate possession of the video upon its completion and EPA may retain it indefinitely for its unrestricted use.

148. Respondent shall post the Video on its website for at least one year and on Tamara Day’s blog on the website or its successor. This blog shall be refreshed every 90 days for one year.

149. Blog Post: Respondent shall post a dedicated blog that describes the importance and requirements of the TSCA RRP Lead Paint Rule to Respondent’s public website, currently www.growingdays.com, or an equivalent successor or affiliated internet platform which Respondent owns, manages or controls, within ninety (90) days of the execution of this CAFO

and will be maintained on the website for a period of one (1) year.

150. If EPA determines that Respondent has failed to comply with any term or condition set forth in this section, fully and satisfactorily, EPA may issue a non-remittance Order requiring Respondent to pay the remaining Twenty-Five Thousand Dollars (\$25,000) or a lesser amount, plus interest accrued from the effective date of this CAFO. Respondent waives its right to a hearing under 16(a)(2) of TSCA, 15 U.S.C. § 2615(a)(2), or any other law. Respondent further agrees to be bound by EPA's determination under this paragraph.

Effect of Settlement, Reservation of Rights, and Covenant Not to Sue

151. Full payment of the civil penalty and compliance with all terms of this Consent Agreement in full shall only resolve Respondent's liability for Federal civil penalties for the violations and facts alleged in this CAFO. Complainant reserves the right to take enforcement action with respect to any other violations of the TSCA or other applicable law.

152. The effect of settlement described in the immediately preceding paragraph is conditioned upon the accuracy of Respondent's representations to EPA, as memorialized in the paragraph directly below.

153. Respondent certifies by the signing of this Consent Agreement that, to the best of its knowledge and belief, it is presently in compliance with all requirements of TSCA and its implementing regulations.

154. This CAFO does not waive, extinguish or otherwise affect Respondent's obligation to comply with all applicable provisions of TSCA and regulations promulgated thereunder.

155. Complainant reserves the right enforce the terms and conditions of this CAFO.

156. Failure to comply with the terms and conditions set forth in this section will void the releases and covenants not to sue granted by this Agreement.

General Provisions

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

158. By signing this Consent Agreement, the undersigned representative of Complainant certifies that he or she is fully authorized to execute and enter into the terms and conditions of this Agreement and has the legal capacity to bind the party he or she represents to this Consent Agreement.

159. This Consent Agreement shall not dispose of the proceeding without a final order from the Regional Judicial Officer or Regional Administrator ratifying the terms of this Consent Agreement. This CAFO shall be effective upon the filing of the Final Order by the EPA Region

7 Hearing Clerk. Unless otherwise stated, all time periods stated herein shall be calculated in calendar days from such date.

160. The penalty specified herein shall represent civil penalties assessed by EPA and shall not be deductible for purposes of Federal, State and local taxes.

161. This CAFO shall apply to and be binding upon Respondent, Respondent's agents, successors and/or assigns. Respondent shall ensure that all contractors, employees, consultants, firms, or other persons or entities acting for Respondent with respect to matters included herein comply with the terms of this CAFO.

**RESPONDENT
GROWING DAYS, LLC**

Date: 12-9-19

By:

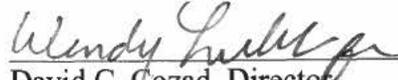


Tamara Day
Print Name

Owner Growing Days LLC
Title

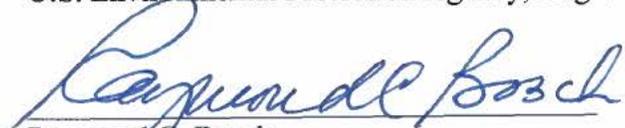
COMPLAINANT
U. S. ENVIRONMENTAL PROTECTION AGENCY

Date: 12/9/19



David C. Cozad, Director
Enforcement and Compliance Assurance Division
U.S. Environmental Protection Agency, Region 7

Date: 12/11/2019



Raymond C. Bosch
Office of Regional Counsel
U.S. Environmental Protection Agency, Region 7

FINAL ORDER

Pursuant to Section 16(a) of 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, 40 C.F.R. Part 22, the foregoing Consent Agreement resolving this matter is hereby ratified and incorporated by reference into this Final Order.

Respondent is ORDERED to comply with all of the terms of the Consent Agreement. In accordance with 40 C.F.R. § 22.31(b), the effective date of the foregoing Consent Agreement and this Final Order is the date on which this Final Order is filed with the Regional Hearing Clerk.

IT IS SO ORDERED.

Karina Borromeo
Karina Borromeo
Regional Judicial Officer

Dec. 12, 2019
Date

*In the matter of Growing Days, LLC
Consent Agreement and Final Order
TSCA-07-2020-0008*

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing Consent Agreement and Final Order in the matter of Growing Days, LLC; Docket No. TSCA-07-2020-0008 was sent in the following manner to the addressees:

Copy via Email to Complainant:

Raymond C. Bosch
bosch.raymond@epa.gov

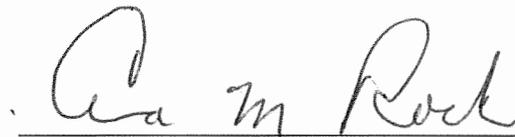
AND

Copy via Certified Mail, Return Receipt Requested to the Attorney for the Respondent:

Kathryn A. Larkins
Of Counsel
Shook, Hardy & Bacon, L.L.P.
2555 Grand Boulevard
Kansas City, MO 64108
klarkins@shb.com

Dated: _____

12/13/2019



Anna Rock
Acting Hearing Clerk, Region 7