

U. S. ENVIRONMENTAL PROTECTION AGENCY

REGION 7

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901 N. 5th STREET

KANSAS CITY, KANSAS 66101

ENVIRONMENTAL PROTECTION
AGENCY REGION VII
REGIONAL HEARING CLERK

BEFORE THE ADMINISTRATOR

In the Matter of

)
) Docket No. TSCA-07-2008-0009
)
)
)
)
)

KEITH C. NEWCOMB

Respondent

CONSENT AGREEMENT AND FINAL ORDER

The U.S. Environmental Protection Agency (EPA) Region 7 and Keith C. Newcomb 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, Issues of Compliance or Corrective Action Orders, and the Revocation, Termination or Suspension of Permits (Consolidated Rules), 40 C.F.R. §§ 22.13(b) and 22.18(b)(2).

FACTUAL ALLEGATIONS

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 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 regulatory requirements of 40 C.F.R. Part 745, Subpart F, *Disclosure of Known Lead-Based Paint and/or Lead-Based Paint Hazards Upon Sale or Lease of Residential*

Property, promulgated pursuant to Section 1018 of the Residential Lead-Based Paint Hazard Reduction Act of 1992, 42 U.S.C. § 4852d.

Parties

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

4. The Respondent is Keith C. Newcomb, an individual conducting business in the State of 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. The Act amended TSCA by adding Sections 401 to 412, 15 U.S.C. §§ 2681 to 2692. Section 1018 of the Act required EPA and the Department of Housing and Urban Development (HUD) to jointly issue regulations requiring the disclosure of known lead-based paint and/or lead-based paint hazards by persons selling or leasing housing constructed before the phase-out of residential lead-based paint use in 1978. The regulations, issued March 6, 1996, and codified at 40 C.F.R. Part 745, Subpart F, require that sellers and lessors of most residential housing built before 1978: a) disclose the presence of known lead-based paint and/or lead-based paint hazards in the target housing; b) provide purchasers and lessees with any available records or reports pertaining to the presence of lead-based paint and/or lead-based paint hazards; c) provide purchasers and lessees with a federally approved lead hazard information pamphlet; d) provide purchasers with a 10-day opportunity to conduct a risk assessment or inspection for the presence of lead-based paint and/or lead-based paint hazards before the purchaser is obligated under any

purchase contract; and e) include certain disclosure and acknowledgment language in the sales or leasing contract. The failure or refusal to comply with the regulations is a violation of Section 1018 of the Act and Section 409 of TSCA.

Alleged Violations

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

Count 1

7. Respondent is, and at all times referred to herein was, a "person" within the meaning of TSCA.

8. Respondent is the "lessor" as that term is defined by 40 C.F.R. § 745.103 of the following properties:

ADDRESS	CITY	STATE
100 North Spruce	Humansville	MO
102 North Spruce	Humansville	MO
103 East South Street	Bolivar	MO
108 East Colgate	Bolivar	MO
112 East Colgate	Bolivar	MO
114 East South Street	Bolivar	MO
115 East South Street	Bolivar	MO
117 North Dunegan	Bolivar	MO
117½ North Dunegan	Bolivar	MO
122 East South Street	Bolivar	MO
201 Cypress	Humansville	MO
206 West Fisher	Humansville	MO
319 North Hartford	Bolivar	MO
403 South Garfield	Humansville	MO
403 South Fir	Humansville	MO
409 NW 1 st	Humansville	MO
411 West Olive	Bolivar	MO
417 North Canton	Bolivar	MO
451 South Chicago	Bolivar	MO

500 North Oak	Humansville	MO
504 North Mary	Humansville	MO
614 East Boston	Bolivar	MO
619 San Martin	Bolivar	MO
634 East Locust	Bolivar	MO
710 West Pine	Bolivar	MO
713 West Wollard	Bolivar	MO
715 West Chestnut	Bolivar	MO
829 South Piles	Bolivar	MO
832 East Maupin	Bolivar	MO
838 East Maupin	Bolivar	MO
912 North Market	Bolivar	MO
1208 West Fairplay	Bolivar	MO
1402 A South Clark	Bolivar	MO
4248 South 122 nd	Bolivar	MO

9. The properties referenced above were constructed before 1978; therefore, they are “target housing” as that term is defined by 40 C.F.R. § 745.103.

10. Information collected shows that Respondent failed to provide the lessees with an EPA-approved lead hazard information pamphlet before the lessees were obligated under a contract to lease target housing.

11. Respondent’s failure to provide an EPA-approved lead hazard information pamphlet is a violation of 40 C.F.R. § 745.107(a)(1) and 745.115, and in accordance with 40 C.F.R. § 745.118(e), a violation of Section 1018 of the Act, 42 U.S.C. § 4852d, and 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.

CONSENT AGREEMENT

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

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

14. Respondent waives its right to a judicial or administrative hearing on any issue of fact or law set forth above and its right to appeal the Final Order accompanying this Consent Agreement.

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

16. Respondent certifies by the signing of this Consent Agreement and Final Order that to the best of Respondent's knowledge, it is presently in compliance with all requirements of 40 C.F.R. Part 745, Subpart F.

17. Respondent consents to the issuance of the Final Order hereinafter recited and consents to the payment of a mitigated civil penalty in the amount of Two Thousand Six Hundred Eight Dollars and Twenty-Five Cents (\$2,608.25), plus interest of \$100.87, for a total payment of \$2,709.12. This penalty shall be paid in eight (8) payments of \$338.64 each. An initial payment of \$338.64 shall be paid on or before thirty (30) days of the effective date of the Final Order. Each succeeding payment of \$338.64 shall be due ninety (90) days after the previous payment.

18. 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/or public health benefits at 715 West Chestnut, 122 East South Street, 115 East South, 114 East South, and 108 East Colgate, Bolivar, Missouri. Respondent shall, by and through a certified lead abatement contractor, at the cost of Six Thousand Seven Hundred Eighty-Nine Dollars (\$6,789), perform stabilization, priming and repainting of areas

within the target housing in accordance with Respondent's SEP Work Plan (attached hereto as Attachment A and incorporated by reference).

19. Within thirty (30) days of the effective date of the Final Order, Respondent will provide EPA with a copy of the letter sent to the Missouri Department of Health & Senior Services Lead Licensing Program informing the state of its intent to perform a SEP and requesting procedural information pertaining to performance of the SEP.

20. The total expenditure for the SEP shall not be less than Six Thousand Seven Hundred Eighty-Nine Dollars (\$6,789) and the SEP shall be completed no later than 90 days of the effective date of the Final Order. All work required to complete the SEP shall be performed in compliance with Federal, State and Local Laws and Regulations.

21. 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:

- (i) A detailed description of the SEP as implemented;
- (ii) Itemized costs, documented by copies of purchase orders, receipts or canceled checks; and
- (iii) 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.

- (v) The report shall be directed to the following:

As to EPA:

Crystal McIntyre
WWPD/TOPE
U.S. Environmental Protection Agency, Region 7
901 N. 5th Street
Kansas City, Kansas 66101

As to the State:

Brandon Rekus, Program Manager
Missouri Department of Health & Senior Services Lead Licensing Program
930 Wildwood, P.O. Box 570
Jefferson City, MO 65102

22. If the SEP referenced in Paragraph 18 above is not timely completed to the satisfaction of EPA in accordance with the terms of this Final Order, Respondent shall pay a stipulated penalty in the amount of Six Thousand Seven Hundred Eighty-Nine Dollars (\$6,789) minus any documented expenditures determined by EPA to be acceptable for the SEP, for a total equal to 100% of the projected costs of the SEP. For the SEP projects, the following instances constitute a failure to complete the project in accordance with the terms of this Final Order:

(i) Failure to expend at least 90% of the Six Thousand Seven Hundred Eighty-Nine Dollars (\$6,789) in projected costs in a manner acceptable to EPA.

(ii) Failure to ensure, through good faith and timely efforts, that the SEP projects are completed by the anticipated completion date of within ninety (90) days of the effective date of the Final Order. In the event of circumstances beyond its control rendering the anticipated completion date unfeasible, Respondent may demonstrate good faith by promptly notifying the EPA Region 7 contact identified in Paragraph 21 above of the change in circumstances and proposing a new completion date acceptable to EPA for the SEP.

(iii) Any stipulated penalties for which Respondent is liable under this agreement shall be due and payable within ten (10) days of Respondent's receipt of a written demand from Complainant.

23. Respondent certifies that it 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 Respondent has not received, and is not presently negotiating to receive any credit in any other enforcement action for the SEP.

24. 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."

25. Respondent understands that its failure to timely pay any portion of the mitigated civil penalty stated in Paragraph 17 above may result in the commencement of a civil action in Federal District Court to recover the full remaining balance, along with penalties, late payment handling charges, and accumulated interest. In such case, interest shall accrue thereon at the applicable statutory rate on the unpaid balance until such civil 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 charged 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.

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 mitigated civil penalty of Two Thousand Six Hundred Eight Dollars and Twenty-Five Cents (\$2,608.25), plus interest of \$100.87, for a total payment of \$2,709.12. This penalty shall be paid in eight (8) payments of \$338.64 each. An initial payment of \$338.64 shall be paid on or before thirty (30) days of the effective date of the Final Order. Each succeeding payment of \$338.64 shall be due ninety (90) days after the previous payment. Such payments shall identify the 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

2. A copy of the check shall simultaneously be sent to the following:

Regional Hearing Clerk
U.S. Environmental Protection Agency, Region 7
901 N. 5th Street
Kansas City, Kansas 66101; and

Barbara Peterson, Attorney, Office of Regional Counsel
U.S. Environmental Protection Agency, Region 7
901 N. 5th Street
Kansas City, Kansas 66101.

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
KEITH C. NEWCOMB

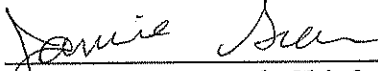
Date: 1-15-08

By: Keith C. Newcomb


Keith C. Newcomb _____
Print Name Title

COMPLAINANT
U. S. ENVIRONMENTAL PROTECTION AGENCY

Date: 2/13/08

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

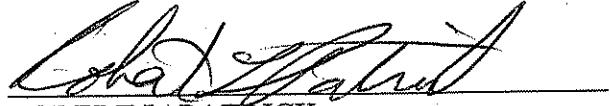
Date: _____

By: 
Barbara L. Peterson, Attorney
Office of Regional Counsel

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

Date:

Feb. 25, 2008



ROBERT L. PATRICK

Regional Judicial Officer

U.S. Environmental Protection Agency, Region 7

ATTACHMENT A

PROPOSED WORK PLAN FOR THE KEITH C. NEWCOMB SUPPLEMENTAL ENVIRONMENTAL PROJECT

RESPONDENT, Keith C. Newcomb, proposes to perform the following interim controls projects in conformance with the Supplemental Environmental Project policies of EPA as a part of the settlement agreement between RESPONDENT and EPA. The interim controls projects will be completed by a certified lead abatement contractor and performed in conformance with applicable regulations.

Projects to be Completed

Pursuant to the bid attached hereto as Exhibit "1", RESPONDENT has contacted a certified lead abatement contractor, Titan Environmental Services, Inc., to obtain a preliminary bid on the interim controls at 715 West Chestnut, 122 East South Street, 115 East South Street, 114 East South Street and 108 East Colgate, Bolivar, Missouri, which generally consists of stabilizing, priming and repainting windows, interior walls and ceilings, and exterior soffits/fascis, cleaning and decontamination of high dust accumulation areas, at a cost of \$6,789.00, as represented in the lead hazard interim controls project proposal.

RESPONDENT anticipates entering into a binding contract with Titan Environmental Services, Inc., or other licensed abatement contractor, within thirty (30) days of entry of the Consent Agreement and Final Order, and anticipates completing the lead hazard interim controls projects within ninety (90) days of entry of the Consent Agreement and Final Order.

The cost of the interim controls projects at 715 West Chestnut, 122 East South Street, 115 East South Street, 114 East South Street and 108 East Colgate, Bolivar, Missouri, should be at least \$6,789.00.

Legal Guidelines for SEP Projects

The lead hazard interim control projects set forth above all fall within the SEP policy guidance and legal guidelines for SEP projects. These projects are not inconsistent with any provision of the underlying statutes. These interim controls projects directly advance the goals of the Residential Lead-Based Paint Hazard Reduction Act of 1992 by detecting and eliminating lead paint from target housing and accordingly eliminating potential lead paint health hazards from such units. These projects have a strong nexus with that statute for the reason that the projects will reduce the likelihood that similar violations (alleged non-disclosure) will occur in the future. In addition, the projects will reduce the potential for adverse impact to public health, and reduce other overall risks to public health addressed by the alleged violations at issue. The interim controls projects are also within the immediate geographic area of the alleged violations.

The funding for these projects is in no way controlled by EPA nor will EPA gain any resources as a result of such projects. RESPONDENT will not use any federal funds or grants to perform these projects, and will not claim a tax deduction for monies expended on these projects.

Categories of Supplemental Environmental Projects

Supplemental Environmental Projects are common settlement tools used in alleged violations of the Lead-Based Paint Disclosure Rule. EPA has expressed a preference for abatement SEP projects which eliminate the risk at a facility, as opposed to environmental assessment or audit SEP projects which may be interpreted as identifying but not eliminating the alleged risks.

Prior to initiating an abatement project, one might initiate an environmental quality assessment, which falls within the fifth type of SEP, the "Assessments and Audits" category. Such assessments include the investigation of the threats to human health, condition of the environment, and the environment impacted at the site.

Lead hazard interim control projects fall within the third type of SEP described in the SEP guidance, the "Pollution Reduction" category of Supplemental Environmental Projects, for the reason that such projects result "in a decrease in the amount and/or toxicity of [a] hazardous substance" that has previously been generated or released into the environment. Lead hazard interim controls in the target housing units "employs recycling, treatment, containment or disposal techniques" which reduces the potential for lead-based paint health related effects and other harmful consequences of lead in the environment.

To the extent that the lead hazard interim controls projects do not fit within one of the seven specific categories of SEP projects, these projects would fit within the "catch-all" eighth category described in the SEP policy. This category includes "projects determined by the case team to have environmental merit which do not fit within at least one of the seven categories above, but are otherwise fully consistent with all other provisions of the SEP policy."

Conclusion

RESPONDENT proposes to perform the above referenced lead hazard interim controls projects at 715 West Chestnut, 122 East South Street, 115 East South Street, 114 East South Street and 108 East Colgate, Bolivar, Missouri. The interim controls projects should be complete on or before ninety (90) days from the entry of the Consent Agreement and Final Order. Total costs for the interim controls projects combined with the total assessment cost, will equal approximately \$6,789.00.

**TITAN ENVIRONMENTAL SERVICES, INC.**

September 20, 2007

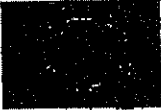
Mr. Keith Newcomb
P.O. Box 981
Bolivar, MO 65613

**RE: Occupant Protection Plan
Lead Hazard Interim Control Project
Multiple Single Family Dwellings
715 West Chestnut, 122 East South, 115 East South,
114 East South and 188 East Colgate**

Dear Mr. Newcomb:

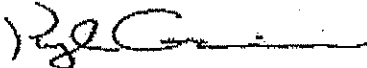
The following summarizes the work practices and engineering controls that will be implemented during the Lead Hazard Interim Control projects at the above referenced projects. Our occupant protection plan for the interior and exterior work areas is as follows:

1. We will demarcate each exterior regulated area utilizing barrier-warning tape and the proper signage with the following legend: "Caution Lead Hazard-Do Not Enter Work Area Unless Authorized. Poison, No Smoking or Eating."
2. We will place 6 mil poly critical barriers over all misc. openings/penetrations located in each work area. All windows/doors in the regulated work area within 20 ft. of working surfaces will be closed. All heating and cooling systems within the regulated area will be shut down and vents sealed with 6-mil poly to prevent lead dust accumulation within the system. All moveable items in the work area shall be moved from working surfaces. Items that cannot be moved from work surfaces shall be covered with 6-mil poly and sealed with duct tape. These barriers will stay in place until each work area has been decontaminated and passed visual inspection.
3. Occupants will be informed of the importance not to enter these exterior work areas while work is in progress.
4. We will perform a pre-cleaning of each work area utilizing wet methods and HEPA-vacuuming prior to any work taking place. We will place 2 layers of 6-mil poly underneath the entire work area that extends out not less than 5 ft for interior and 10 ft for exterior. Exterior sheeting will be weighted down and slightly elevated at the outside edges. A project log will be maintained as a record of daily activities.

- 
5. All exterior work will cease if constant winds are greater than 10 miles per hour.
 6. All surfaces in the work area that have loose and flaking lead based paint will be thoroughly wetted using a garden sprayer, airless mister, or other appropriate means (i.e. when working in interior work areas) to reduce airborne dust. The loose and flaking lead-based paint will be removed utilizing hand held scrapers and hand pressure. All impact surfaces including doorstops, door jams and hinges, window wells and sashes, headers, parting beads and thresholds will be wet scraped while utilizing a hepa-vacuum prior to encapsulation. We will collect dust and debris by hepa-vacuuming and wet sweeping on an hourly basis.
 7. We shall place all lead based paint chips, dust, debris and other project waste into properly labeled doubled 6-mil poly bags and then placed into a covered and secure box van for storage and future disposal.
 8. Once the material has been properly containerized, all exposed surfaces within 5 ft. (interior) - 10 ft (exterior) of the immediate work area will be hepa-vacuumed and wet wiped utilizing water and a detergent solution. This process will be repeated a second time and until all dust and debris is no longer visible.
 9. Once the encapsulation process has been completed, the regulated area will be cleaned by hepa-vacuuming, wiping down all surfaces with a cleaning solution, rinsing all surfaces, and then hepa vacuuming again. Cleaning shall begin at the end of the work area farthest from the main entrance to the area and from the top to the bottom of the regulated area.
 10. All equipment utilized in the regulated area shall be thoroughly cleaned with a cleaning solution and or hepa-vacuumed before removed from the regulated area.
 11. If applicable to the subject residence/building, tilling of the soil will be performed in areas identified as child accessible (structure's drip line) to a depth that results in no more than 400 PPM lead of homogenized soil.
 12. The owner is responsible for obtaining and scheduling a 3rd party consultant to perform clearance sampling to ensure that lead dust and soil hazards have been remediated.

Titan Environmental Services would appreciate the opportunity to be of service to you. If you have any questions regarding this occupant protection plan, please don't hesitate to contact us.

Respectfully Submitted,



Kyle W Gunion
Senior Project Manager

From: Titan Environmental

816 960 4860

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8044 P.003/007

Lead Hazard Interim Control Project Bid Form

Client: Mr. Keith Newcomb, P.O. Box 981, Bolivar, MO, 65613

Project Street Address: 715 West Chestnut

City: Bolivar State: MO Zip: 65613

List Areas That Are Going To Be Stabilized:

The deteriorated LBP building components associated with the above referenced property include 25 windows (interior/exterior) and minor areas of the interior walls and ceilings. These components will be stabilized, primed and repainted with a high quality interior and/or exterior latex paint (whichever is applicable). All friction surfaces and high dust accumulation areas will be cleaned and/or decontaminated before and after stabilization work. Bare soil areas at the structures drip line will be pre-cleaned, tilled and covered with a thick layer of mulch (or at the owners additional expense, an alternate ground covering will be provided).

Lead Based Paint Stabilization Co. Name: Titan Environmental Services, Inc.

Company Address: 3535 Broadway, Suite 301, Kansas City, Missouri 64111

Company Phone Number: 816-960-4675 Fax: 816-960-4860

Date Bid Submitted: 9-20-07

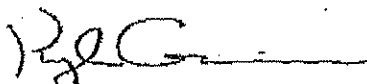
Estimated Project Start Date: Three (3) days from receipt of approved work order

Estimated Project Completion Date: One (1) day from start of project

Grand Total of Bid: ~~1767.00~~ \$ 1767.00

If the stabilization does not pass clearance, I/we understand that I/we will be liable for the cost of any subsequent clearance tests, which will continue at my/our expense until the clearance tests are within acceptable levels. This will also require the contractor performing the paint stabilization to continue with remediation and cleanup until clearance is achieved. There will be no payment made until the clearance tests are satisfactory and any additional test costs will be deducted from payment.

I/we hereby authorize that I/we have read the above information and fully understand and agree to these guidelines.

Signature: 

Date: 9-20-07

From: Titan Environmental

816 960 4860

09/20/2007 16:44

#044 P.004/007

Lead Hazard Interim Control Project Bid Form

Client: Mr. Keith Newcomb, P.O. Box 961, Bollvar, MO, 65613

Project Street Address: 122 East South Street

City: Bollvar State: MO Zip: 65613

List Areas That Are Going To Be Stabilized:

The deteriorated LBP building components associated with the above referenced property include 13 windows (interior/exterior), exterior soffit/fascia and minor areas of the garage and residence siding. These components will be stabilized, primed and repainted with a high quality interior and/or exterior latex paint (whichever is applicable). All friction surfaces and high dust accumulation areas will be cleaned and/or decontaminated before and after stabilization work. Bare soil areas at the structures drip line will be pre-cleaned, tilled and covered with a thick layer of mulch (or at the owners additional expense, an alternate ground covering will be provided).

Lead Based Paint Stabilization Co. Name: Titan Environmental Services, Inc.

Company Address: 3535 Broadway, Suite 300, Kansas City, Missouri 64111

Company Phone Number: 816-960-4675 Fax: 816-960-4860

Date Bid Submitted: 9-20-07

Estimated Project Start Date: Three (3) days from receipt of approved work order

Estimated Project Completion Date: Two (2) days from start of project

Grand Total of Bid: ~~1767.00~~ 1767.00

If the stabilization does not pass clearance, I/we understand that I/we will be liable for the cost of any subsequent clearance tests, which will continue at my/our expense until the clearance tests are within acceptable levels. This will also require the contractor performing the paint stabilization to continue with remediation and cleanup until clearance is achieved. There will be no payment made until the clearance tests are satisfactory and any additional test costs will be deducted from payment.

I/we hereby authorize that I/we have read the above information and fully understand and agree to these guidelines.

Signature: 

Date: 9-20-07

From: Titan Environmental

816 960 4860

09/20/2007 16:44

8044 P.005/007

Lead Hazard Interim Control Project Bid Form

Client: Mr. Keith Newcomb, P.O. Box 981, Bolivar, MO, 65613

Project Street Address: 115 East South

City: Bolivar State: MO Zip: 65613

List Areas That Are Going To Be Stabilized:

The deteriorated LBP building components associated with the above referenced property include 8 windows (interior/exterior) and minor areas of the interior ceilings. These components will be stabilized, primed and repainted with a high quality interior and/or exterior latex paint (whichever is applicable). All friction surfaces and high dust accumulation areas will be cleaned and/or decontaminated before and after stabilization work. Bare soil areas at the structures drip line will be pre-cleaned, tilled and covered with a thick layer of mulch (or at the owners additional expense, an alternate ground covering will be provided).

Lead Based Paint Stabilization Co. Name: Titan Environmental Services, Inc.

Company Address: 3535 Broadway, Suite 300, Kansas City, Missouri 64111

Company Phone Number: 816-960-4675 Fax: 816-960-4860

Date Bid Submitted: 9-20-07

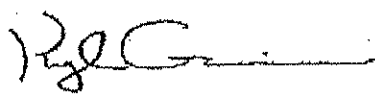
Estimated Project Start Date: Three (3) days from receipt of approved work order

Estimated Project Completion Date: One (1) day from start of project

Grand Total of Bid: ~~867.00~~ 867.00

If the stabilization does not pass clearance, I/we understand that I/we will be liable for the cost of any subsequent clearance tests, which will continue at my/our expense until the clearance tests are within acceptable levels. This will also require the contractor performing the paint stabilization to continue with remediation and cleanup until clearance is achieved. There will be no payment made until the clearance tests are satisfactory and any additional test costs will be deducted from payment.

I/we hereby authorize that I/we have read the above information and fully understand and agree to these guidelines.

Signature: 

Date: 9-20-07

Lead Hazard Interim Control Project Bid Form

Client: Mr. Keith Newcomb, P.O. Box 961, Bolivar, MO. 65613

Project Street Address: 114 East South Street

City: Bolivar State: MO Zip: 65613

List Areas That Are Going To Be Stabilized:

The deteriorated LBP building components associated with the above referenced property include 13 windows (interior only) and minor interior wall areas. These components will be stabilized, primed and repainted with a high quality interior latex paint. All friction surfaces and high dust accumulation areas will be cleaned and/or decontaminated before and after stabilization work. Bare soil areas at the structures drip line will be pre-cleaned, tilled and covered with a thick layer of mulch (or at the owners additional expense, an alternate ground covering will be provided).

Lead Based Paint Stabilization Co. Name: Titan Environmental Services, Inc.

Company Address: 3535 Broadway, Suite 300, Kansas City, Missouri 64111

Company Phone Number: 816-960-4675 Fax: 816-960-4860

Date Bid Submitted: 9-20-07

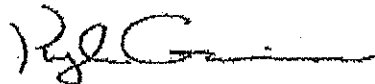
Estimated Project Start Date: Three (3) days from receipt of approved work order

Estimated Project Completion Date: One (1) day from start of project

Grand Total of Bid: ~~505.00~~ 1051.00

If the stabilization does not pass clearance, I/we understand that I/we will be liable for the cost of any subsequent clearance tests, which will continue at my/our expense until the clearance tests are within acceptable levels. This will also require the contractor performing the paint stabilization to continue with remediation and cleanup until clearance is achieved. There will be no payment made until the clearance tests are satisfactory and any additional test costs will be deducted from payment.

I/we hereby authorize that I/we have read the above information and fully understand and agree to these guidelines.

Signature: 

Date: 9-20-07

From: Titan Environmental

816 960 4950

09/20/2007 16:45

HD44 P.007/007

Lead Hazard Interim Control Project Bid Form

Client: Mr. Keith Newcomb, P.O. Box 951, Bolivar, MO, 65613

Project Street Address: 108 East Colgate

City: Bolivar State: MO Zip: 65613

List Areas That Are Going To Be Stabilized:

The deteriorated LBP building components associated with the above referenced property include windows (interior/exterior) and exterior soffit/fascia. These components will be stabilized, primed and repainted with a high quality interior and/or exterior latex paint (whichever is applicable). All friction surfaces and high dust accumulation areas will be cleaned and/or decontaminated before and after stabilization work. Bare soil areas at the structures drip line will be pre-cleaned, filled and covered with a thick layer of mulch (or at the owners additional expense, an alternate ground covering will be provided).

Lead Based Paint Stabilization Co. Name: Titan Environmental Services, Inc.

Company Address: 3535 Broadway, Suite 300, Kansas City, Missouri 64111

Company Phone Number: 816-960-4675 Fax: 816-960-4860

Date Bid Submitted: 9-20-07

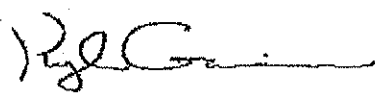
Estimated Project Start Date: Three (3) days from receipt of approved work order

Estimated Project Completion Date: Two (2) days from start of project

Grand Total of Bid: ~~1337.00~~ 1337.00

If the stabilization does not pass clearance, I/we understand that I/we will be liable for the cost of any subsequent clearance tests, which will continue at my/our expense until the clearance tests are within acceptable levels. This will also require the contractor performing the paint stabilization to continue with remediation and cleanup until clearance is achieved. There will be no payment made until the clearance tests are satisfactory and any additional test costs will be deducted from payment.

I/we hereby authorize that I/we have read the above information and fully understand and agree to these guidelines.

Signature: 

Date: 9-20-07

IN THE MATTER OF Keith C. Newcomb, Respondent
Docket No. TSCA-07-2008-0009

CERTIFICATE OF SERVICE

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


Copy hand delivered to
Attorney for Complainant:

Barbara L. Peterson
Assistant Regional Counsel
Region VII
United States Environmental Protection Agency
901 N. 5th Street
Kansas City, Kansas 66101

Copy by Certified Mail Return Receipt to:

Keith C. Newcomb
PO Box 981
Bolivar, Missouri 65613

Dated: 2/25/08


Kathy Robinson
Hearing Clerk, Region 7