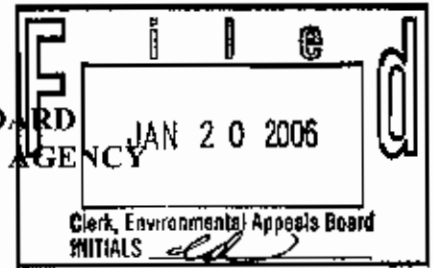


BEFORE THE ENVIRONMENTAL APPEALS BOARD  
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C.



\_\_\_\_\_)  
In re: )  
 )  
Ronald H. Hunt, et al. ) TSCA Appeal No. 05-01  
 )  
Docket No. TSCA-03-2003-0285 )  
\_\_\_\_\_)

**REMAND ORDER**

The Environmental Appeals Board hereby remands this matter to the Administrative Law Judge ("ALJ") for the narrow purpose of determining whether new evidence presented by counsel for the Region alters her determinations or decision in this case. The ALJ, on July 2, 2004, granted the Region's request for summary disposition and scheduled a hearing on September 14, 2004, for the purpose of determining an appropriate civil penalty for violations of requirements to disclose information and documentation concerning the presence of lead-based paint in residential housing. Order on EPA's Motion For Accelerated Decision, Motion to Withdraw, and Motion to Reschedule Hearing (July 2, 2004). On March 8, 2005, she issued an Initial Decision in this case, assessing a civil penalty against Respondents in the aggregate amount of \$84,224.80. That decision was appealed to this Board, briefs were submitted and oral argument was conducted on September 29, 2005. Subsequently, on November 18, December 9, and December 21, 2005, counsel for the Region filed status reports with the Board that detailed the training and certification status of the four persons who conducted inspections for lead-based paint at the properties that are the subject of this proceeding. The status reports cumulatively state that three of the four inspectors, including an inspector who testified at the hearing before

the ALJ, had obtained the required training, but had not obtained formal lead inspector certification at the time these inspections were conducted.

This matter is hereby **Remanded** to the ALJ to assess the significance of the information submitted in status reports of November 18, December 9, and December 21, 2005, concerning the certification status of inspectors who conducted inspections at the subject properties, and to determine whether this information alters in any way her determinations or her ultimate conclusions in this case, including the penalty assessed.

So ordered.

Dated:

*1/20/2006*

**ENVIRONMENTAL APPEALS BOARD**

By:

*Anna L. Wolgast*

Anna L. Wolgast  
Environmental Appeals Judge

## CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing Remand Order in the matter of Ronald E. Hunt, et al., TSCA Appeal No. 05-01, were sent to the following persons in the manner indicated.

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Annette Duncan  
Secretary