

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

**BEFORE THE ADMINISTRATOR**

**In the Matter of**

Luigi's Painting, LLC  
Omaha, Nebraska

Respondent

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**Docket No. TSCA-07-2019-0244**

**COMPLAINT AND NOTICE OF  
OPPORTUNITY FOR HEARING**

**COMPLAINT**

**Section I**

**Jurisdiction**

1. This Complaint and Notice of Opportunity for Hearing (Complaint) serves as notice that the United States Environmental Protection Agency (EPA), Region 7 has reason to believe that Respondent has violated Section 409 of the Toxic Substances Control Act (TSCA), 15 U.S.C. § 2689, by failing to comply with the regulatory requirements of 40 C.F.R. Part 745, Subpart E, *Residential Property Renovation*, promulgated pursuant to 15 U.S.C. §§ 2682, 2686 and 2687.

2. This administrative action for the assessment of civil penalties is instituted pursuant to Section 16(a) of TSCA, 15 U.S.C. § 2615(a), and in accordance with EPA's Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits (Consolidated Rules), 40 C.F.R. Part 22, a copy of which is enclosed along with this Complaint.

## Section II

### Parties

3. Complainant, by delegation from the Administrator of EPA and the Regional Administrator, EPA, Region 7, is the Division Director of the Enforcement and Compliance Assurance Division at EPA, Region 7.

4. Respondent is Luigi's Painting, LLC, a business doing business in the state of Nebraska.

## Section III

### Statutory and Regulatory Background

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

6. In 1996, EPA promulgated regulations to implement Section 402(a) of TSCA, 15 U.S.C. § 2682(a). These regulations are set forth at 40 C.F.R. Part 745, Subpart L, *Lead-Based Paint Activities*. The regulations set forth procedures and requirements for the certification of individuals and firms engaged in lead-based paint activities, and work practice standards for performing such activities. This subpart also requires that, except in specific instances, all lead-based paint activities, as defined in this subpart, be performed by certified individuals and firms.

7. On June 1, 1998, EPA promulgated information distribution and record keeping requirements codified at 40 C.F.R. Part 745, Subpart E, *Requirements for Hazard Education Before Renovation of Target Housing* (the "Pre-Renovation Education Rule" or "PRE Rule") pursuant to 15 U.S.C. § 2686. Under the PRE Rule, each person who performs a renovation of target housing for compensation must provide a lead hazard information pamphlet, *Renovate*

*Right: Important Lead Hazard Information for Families, Child Care Providers and Schools*, to the owner and occupant of such housing prior to commencing the renovation, and maintain written acknowledgment that the pamphlet has been provided.

8. On April 22, 2008, EPA promulgated regulations to implement Section 402(c)(3) of TSCA, 15 U.S.C. § 2682(c)(3), by amending and re-codifying 40 C.F.R. Part 745, Subparts E and L (the Renovation, Repair and Painting Rule or the RRP Rule). *See* Lead; Renovation, Repair, and Painting Program, 73 Fed. Reg. 21692 (Issued Mar. 31, 2008) (codified at 40 C.F.R. Part 745, Subpart E and L). The RRP Rule pertains to information distribution and recordkeeping requirements and lead-based paint activities. Those regulations set forth work practice standards for the renovation of residences built prior to 1978 and require certification of individuals and firms who are involved in these activities.

9. The term *firm* means 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. 40 C.F.R. § 745.83.

10. The term *pamphlet* means the EPA pamphlet titled *Renovate Right: Important Lead Hazard Information for Families, Child Care Providers and Schools* developed under section 406(a) of TSCA for use in complying with section 406(b) of TSCA, or any State or Tribal pamphlet approved by EPA pursuant to 40 C.F.R. § 745.326 that is developed for the same purpose.

11. The term *person* means 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. 40 C.F.R. § 745.83.

12. The term *renovation* means the modification of any existing structure, or portion thereof, that results in the disturbance of painted surfaces, unless that activity is performed as part of an abatement as defined by this part (40 C.F.R. § 745.223). The term renovation includes but is not limited to the following: the removal, modification or repair of painted surfaces or painted components (e.g., modification of painted doors, surface restoration, window repair, surface preparation activity (such as sanding, scraping, or other such activities that may generate paint dust)); the removal of building components (e.g., walls, ceilings, plumbing, windows); weatherization projects (e.g., cutting holes in painted surfaces to install blown-in insulation or to gain access to attics, planning thresholds to install weather stripping); and interim controls that disturb painted surfaces. 40 C.F.R. § 745.83.

13. The term *renovator* means an individual who either performs or directs workers who perform renovations. A certified renovator is a renovator who has successfully completed a renovator course accredited by EPA or an EPA-authorized State or Tribal program. 40 C.F.R. § 745.83.

14. The term *target housing* means 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 (6) years of age resides or is expected to reside in such housing). 15 U.S.C. § 2681(17), 40 C.F.R. §§ 745.83 and 745.103.

15. The term *work area* means the area that the certified renovator establishes to contain the dust and debris generated by a renovation. 40 C.F.R. § 745.83.

16. 40 C.F.R. § 745.84(a) provides that no more than 60 days before beginning renovation activities in any residential dwelling unit of target housing, the firm performing the renovation must provide the owner or occupant of the unit with the pamphlet, and obtain written

acknowledgment that the owner or occupant received the pamphlet or certify in writing that a pamphlet has been delivered to the dwelling and that the firm performing the renovation has been unsuccessful in obtaining a written acknowledgement from the occupant.

17. 40 C.F.R. § 745.89(a)(1) provides that firms that perform renovations for compensation must apply to EPA for certification to perform renovations or dust sampling.

18. 40 C.F.R. § 745.89(d)(2) provides that firms performing renovations must ensure that a certified renovator is assigned to each renovation performed by the firm and discharges all of the certified renovator responsibilities identified in 40 C.F.R. § 745.90.

19. 40 C.F.R. § 745.86(b)(6) provides that certain records must be retained including, but not limited to, documentation of compliance with the work practice requirements, including documentation that a certified renovator was assigned to the project.

20. 40 C.F.R. § 745.85 sets forth the regulations for “Work Practice Standards” that must be followed by firms performing renovations on target housing. Work Practice Standards require, in pertinent part:

- a. Occupant Protection. Firms must post signs clearly defining the work area and warning occupants and other persons not involved in renovation activities to remain outside of the work area. To the extent practicable, these signs must be in the primary language of the occupants. These signs must be posted before beginning the renovation and must remain in place and readable until the renovation and the post-renovation cleaning verification have been completed. 40 C.F.R. § 745.85(a)(1).
- b. Exterior Renovations. Firms must close all doors and windows within 20 feet of the renovation. 40 C.F.R. § 745.85(a)(2)(ii)(A).

- c. Exterior Renovations. Firms must ensure that doors within the work area that will be used while the job is being performed are covered with plastic sheeting or other disposable impermeable material. 40 C.F.R. § 745.85(a)(2)(ii)(B).
- d. Exterior Renovations. Firms must cover the ground with plastic sheeting or other disposable impermeable material extending 10 feet beyond the perimeter of surfaces undergoing renovation. 40 C.F.R. § 745.85(a)(2)(ii)(C).
- e. Exterior Renovations. Waste from renovation activities must be contained to prevent releases of dust and debris before the waste is removed from the work area for storage or disposal. 40 C.F.R. § 745.85(a)(4)(i).

21. Failure to comply with any provision of 40 C.F.R. Part 745, Subpart E and L violates Sections 407 and 409 of TSCA, 15 U.S.C. §§ 2687 and 2689, which may subject the violator to administrative penalties under Section 16(a) of TSCA, 15 U.S.C. § 2615(a), and 40 C.F.R. §§ 745.87 and 745.235.

22. Section 16(a) of TSCA, 42 U.S.C. § 2615, and 40 C.F.R. §§ 745.87 and 745.235, authorize the EPA Administrator to assess a civil penalty of up to \$25,000 for each violation of Section 409 of TSCA. Each day that such a violation continues constitutes a separate violation of Section 15 of TSCA, 15 U.S.C. § 2614. The Debt Collection Improvement Act of 1996, 31 U.S.C. § 3701, and its implementing regulations at 40 C.F.R. Part 19, increased these statutory maximum penalties to \$39,873 for violations that occurred after November 2, 2015 and are assessed after February 6, 2019.

#### **Section IV**

##### **General Factual Allegations**

23. At all times relevant to this Complaint, Respondent was a business doing business in the state of Nebraska under the registered name Luigi's Painting, LLC.

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

25. At all times relevant to this Complaint, Respondent was an uncertified renovator performing a "renovation," as defined by 40 C.F.R. § 745.83, on a residential Property located at [REDACTED] (Property).

26. At all times relevant to this Complaint, Respondent was an uncertified firm performing a "renovation," as defined by 40 C.F.R. § 745.83, on the Property.

27. The Property was constructed in 1923 and is "target housing" as defined by 40 C.F.R. § 745.103.

28. At all times relevant to this Complaint, the renovation project at the Property was a "renovation for compensation" subject to the RRP Rule per 40 C.F.R. § 745.82.

29. On or about September 17, 2018, EPA conducted a work site inspection (Inspection) to evaluate Respondent's compliance with the RRP Rule, 40 C.F.R. Part 745, Subparts E and L, and collected records and information from Respondent as part of that evaluation.

30. At the time of Inspection, the Property was occupied by adults and there were no children present at the Property.

31. As a result of the Inspection and additional information obtained by EPA, Complainant has identified the following violations of Section 409 of TSCA, the Residential Lead-Based Paint Hazard Reduction Act of 1992, and the RRP Rule, as set forth in 40 C.F.R. Part 745, Subparts E and L.

Alleged Violations

Count 1

32. The facts stated in Paragraphs 1 through 31 are realleged and incorporated as if fully stated herein.

33. Pursuant to 40 C.F.R. § 745.89(a), firms that perform renovations for compensation must apply to EPA for certification to perform renovations.

34. With certain exceptions not relevant here, 40 C.F.R. § 745.81(a)(2)(ii) prohibits firms from performing, offering, or claiming to perform renovations without certification from EPA in target housing or child-occupied facilities.

35. At the time of the Inspection it was discovered that Respondent had failed to apply for and obtain EPA certification prior to commencing the renovation for compensation on the Property.

36. Respondent's failure to apply for certification and ensure that it obtained initial firm certification prior to performing the renovations at the Property for compensation constitutes a violation of 40 C.F.R. § 745.81(a)(2)(ii) and 40 C.F.R. § 745.89(a). Respondent, therefore, violated Section 409 of TSCA, 15 U.S.C. § 2689.

Count 2

37. The facts stated in Paragraphs 1 through 31 are realleged and incorporated as if fully stated herein.

38. Pursuant to 40 C.F.R. § 745.89(d)(2), firms must assign a certified renovator to each renovation performed by the firm.

39. The Inspection revealed that Respondent failed to assign a certified renovator to the renovation of the Property.



40. Respondent's failure to assign a certified renovator to the renovation of the Property is a violation of 40 C.F.R. § 745.89(d)(2). Respondent, therefore, violated Section 409 of TSCA, 15 U.S.C. §2689.

Count 3

41. The facts stated in Paragraphs 1 through 31 above are herein incorporated.

42. Pursuant to 40 C.F.R. § 745.84(a)(1), prior to renovation activities, but no more than 60 days before beginning renovation activities in any residential dwelling unit of target housing, the firm performing the renovation must provide the owner of the unit with the EPA-approved *Renovate Right* pamphlet.

43. The Inspection revealed that Respondent failed to provide the EPA-approved pamphlet to the owner of the Property prior to beginning renovation activities.

44. Respondent's failure to provide the owner of the unit with the EPA-approved pamphlet is a violation of 40 C.F.R. § 745.84(a)(1). Respondent, therefore, violated Section 409 of TSCA, 15 U.S.C. § 2689.

Count 4

45. The facts stated in Paragraphs 1 through 31 above are herein incorporated.

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

47. The Inspection revealed that Respondent failed to ensure that signs were posted clearly defining the work area and warning occupants and other persons not involved in renovation activities to remain outside of the work area.

48. Respondent's failure to post signs clearly defining the work area and warning

occupants and other persons not involved in renovation to remain outside of the work area is a violation of 40 C.F.R. § 745.85(a)(1). Respondent, therefore, violated Section 409 of TSCA, 15 U.S.C. § 2689.

Count 5

49. The facts stated in Paragraphs 1 through 31 are realleged and incorporated as if fully stated herein.

50. Pursuant to 40 C.F.R. § 745.85(a)(2)(ii)(A), the renovation firm must close all doors and windows within 20 feet of the renovation before beginning the renovation.

51. The Inspection revealed that Respondent failed to close all doors and windows within 20 feet of the renovation before beginning the renovation.

52. Respondent's failure to close all doors and windows within 20 feet of the renovation before beginning the renovation constitutes a violation of 40 C.F.R. § 745.85(a)(2)(ii)(A). Respondent, therefore, violated Section 409 of TSCA, 15 U.S.C. § 2689.

Count 6

53. The facts stated in Paragraphs 1 through 31 are realleged and incorporated as if fully stated herein.

54. Pursuant to 40 C.F.R. § 745.85(a)(2)(ii)(B), the renovation firm must ensure, before beginning the renovation, that doors within the work area that will be used while the job is being performed are covered with plastic sheeting or other impermeable material.

55. The Inspection revealed that Respondent failed to ensure, before beginning the renovation, that doors within the work area that will be used while the job is being performed are covered with plastic sheeting or other impermeable material.

56. Respondent's failure to ensure, before beginning the renovation, that doors

within the work area that will be used while the job is being performed are covered with plastic sheeting or other impermeable material constitutes a violation of 40 C.F.R. § 745.85(a)(2)(ii)(B). Respondent, therefore, violated Section 409 of TSCA, 15 U.S.C. § 2689.

Count 7

57. The facts stated in Paragraphs 1 through 31 are realleged and incorporated as if fully stated herein.

58. Pursuant to 40 C.F.R. § 745.85(a)(2)(ii)(C), the renovation firm, before beginning the renovation, must cover the ground with plastic sheeting or other disposable impermeable material extending 10 feet beyond the perimeter of surfaces undergoing renovation or a sufficient distance to collect falling paint debris, whichever is greater, unless the property line prevents 10 feet of such ground covering.

59. The Inspection revealed that Respondent failed to cover the ground at the Property with plastic sheeting or other disposable impermeable material extending 10 feet beyond the perimeter of surfaces undergoing renovation or a sufficient distance to collect falling paint debris, before beginning the renovation.

60. Respondent's failure to cover the ground at the Property with plastic sheeting or other disposable impermeable material extending 10 feet beyond the perimeter of surfaces undergoing renovation or a sufficient distance to collect falling paint debris before beginning the renovation constitutes a violation of 40 C.F.R. § 745.85(a)(2)(ii)(C). Respondent, therefore, violated Section 409 of TSCA, 15 U.S.C. § 2689.

Count 8

61. The facts stated in Paragraphs 1 through 31 are realleged and incorporated as if fully stated herein.

62. Pursuant to 40 C.F.R. § 745.85(a)(4)(i), waste from renovation activities must be contained to prevent releases of dust and debris before the waste is removed from the work area for storage or disposal.

63. The Inspection revealed that Respondent failed to contain waste from renovation activities while power washing, which resulted in releases of dust and debris at the Property.

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

#### **Section V**

#### **Relief Sought**

65. Section 16(a)(1) of TSCA, 15 U.S.C. § 2615(a)(1), provides that any person who violates Section 409 of TSCA, 15 U.S.C. § 2689, shall be liable to the United States for a civil penalty in an amount not to exceed \$25,000 for each such violation. This maximum penalty amount is limited by Section 1018(b)(5) of the Residential Lead-Based Paint Hazard Reduction Act of 1992, 42 U.S.C. § 4852d(b)(5), which limits penalties assessed for violations of Section 409 of TSCA to not more than \$10,000 per violation. The Debt Collection Improvement Act of 1996, as implemented by the Civil Monetary Penalty Inflation Adjustment Rule, 40 C.F.R. Part 19, authorizes penalties of up to \$39,873 per violation for violations that occurred after November 2, 2015.

66. The proposed penalty of \$42,386 is based upon the facts alleged in this Complaint and upon the factors set forth in Section 16(a)(2)(B) of TSCA, 15 U.S.C. §

2615(a)(2)(B), including the nature, circumstances, extent and gravity of the violations, and with respect to the Respondent: a) a Respondent's ability to pay, b) the effect on a Respondent's ability to continue to do business, c) any history of prior violations, d) the degree of culpability, and e) such other matters as justice may require. The proposed penalty is in accordance with EPA's *Section 1018 - Disclosure Rule Enforcement Response and Penalty Policy*, dated December 2007, a copy of which is enclosed along with this Complaint.

67. The proposed penalty is based on the best information available to EPA at the time the Complaint is issued. The penalty may be adjusted if a Respondent establishes bona fide issues of ability to pay or other defenses relevant to the appropriate amount of the proposed penalty. An explanation of the proposed penalty is contained in the Civil Penalty Assessment Worksheet attached and incorporated herein by reference.

Payment of Proposed Penalty in Full

68. A Respondent may resolve this proceeding at any time by paying the full penalty proposed in the Complaint and filing a copy of the check or other instrument of payment with the Regional Hearing Clerk. Payment of the total penalty, \$42,386, may be made by certified or cashier's check payable to the "United States Treasury," and remitted to:

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

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

Federal Reserve Bank of New York  
ABA = 021030004  
Account = 68010727  
SWIFT address = FRNYUS33  
33 Liberty Street  
New York, NY 10045

Field Tag 4200 of the Fedwire message should read  
"D 68010727 Environmental Protection Agency"

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

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

Catherine R.M. Chiccine, Attorney  
Office of Regional Counsel  
U.S. Environmental Protection Agency, Region 7  
11201 Renner Boulevard  
Lenexa, Kansas 66219.

70. Checks should reference the name and docket number of this Complaint.

Payment of Proposed Penalty in Lieu of an Answer

71. A Respondent who wishes to resolve a proceeding by paying the proposed penalty in full instead of filing an answer to the Complaint may do so within thirty (30) days of receipt of the Complaint, in accordance with the procedures set forth above. A Respondent who wishes to resolve a proceeding by paying the proposed penalty in full instead of filing an answer but who needs additional time to pay the penalty, may file a written statement with the Regional Hearing Clerk within thirty (30) days of receipt of the Complaint, in accordance with Rule 22.18(a)(1) of the Consolidated Rules. The written statement shall state that Respondent agrees to pay the proposed penalty in full within sixty (60) days of receipt of the Complaint. The written statement need not contain any response to, or admission of, the allegations in the Complaint. A Respondent must then pay the full amount of the proposed penalty within sixty (60) days of receipt of the Complaint. Failure to pay the full penalty within sixty (60) days of receipt of the Complaint may subject a Respondent to default, as set forth below.

**Section VI**

**NOTICE OF OPPORTUNITY FOR HEARING**

**Answer and Request for Hearing**

72. A Respondent must file a written answer within thirty (30) days of receipt of this Complaint if Respondent: a) contests any material fact upon which this Complaint is based; b) contends that the penalty proposed in this Complaint is inappropriate; or c) contends that it is entitled to judgment as a matter of law. The answer shall clearly and directly admit, deny, or explain each of the factual allegations contained in this Complaint with regard to which a Respondent has any knowledge. Where a Respondent has no knowledge of a particular factual allegation, the answer shall so state. Failure to admit, deny or explain any of the factual allegations in the Complaint constitutes an admission of the allegation. The answer shall also state: a) the circumstances or arguments which are alleged to constitute the grounds of any defense; b) the facts that a Respondent disputes; c) the basis for opposing the proposed penalty; and d) whether a hearing is requested.

73. The original and one copy of the answer shall be filed with the following, in accordance with Section 22.15 of the Consolidated Rules:

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

Catherine R. M. Chiccine, Attorney  
Office of Regional Counsel  
U.S. Environmental Protection Agency, Region 7  
11201 Renner Boulevard  
Lenexa, Kansas 66219.

74. After the filing of the Respondent's Answer to the Complaint, the Hearing Clerk at EPA Headquarters will serve as the Regional Hearing Clerk, and all further filings in this

matter (except for the filing of a Consent Agreement and Final Order pursuant to 40 C.F.R. § 22.18(b)(3)) must be filed with the Hearing Clerk at the following addresses, as appropriate:

If using the US Postal Service:

Hearing Clerk  
U.S. Environmental Protection Agency  
Office of Administrative Law Judges  
Mailcode 1900R  
1200 Pennsylvania Avenue NW  
Washington, DC 20460

If using UPS/FedEx/DHL:

Hearing Clerk  
U.S. Environmental Protection Agency  
Office of Administrative Law Judges  
Ronald Reagan Building, Room M1200  
1300 Pennsylvania Avenue NW  
Washington, DC 20460

#### Default

75. If, within thirty (30) days of receipt of a Complaint, a Respondent fails to: (a) submit full payment of the proposed penalty; (b) submit a written statement to the Regional Hearing Clerk that Respondent agrees to pay the penalty within sixty (60) days of receipt of the Complaint; or (c) file a written answer to the Complaint; a Respondent may be found in default. Default by a Respondent constitutes, for the purposes of this proceeding, an admission of all facts alleged in the Complaint and a waiver of a Respondent's right to contest such factual allegations. A Default Order may thereafter be issued by the Presiding Officer and the civil penalty proposed in the Complaint shall be assessed unless the Presiding Officer finds that the proposed penalty is clearly inconsistent with the record of the proceeding or TSCA.

#### Section VII

#### Settlement Conference



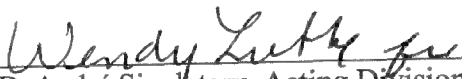
76. EPA encourages settlement of a proceeding at any time if the settlement is consistent with the provisions and objectives of TSCA and the regulations upon which this action is based. Regardless of whether a Respondent requests a hearing, a Respondent may request an informal settlement conference to discuss the facts of this case, the proposed penalty, and the possibility of settlement. To request an informal settlement conference, please contact:

Catherine R. M. Chiccine, Attorney  
Office of Regional Counsel  
U.S. Environmental Protection Agency, Region 7  
11201 Renner Boulevard  
Lenexa, Kansas 66219  
Telephone (913) 551-7917

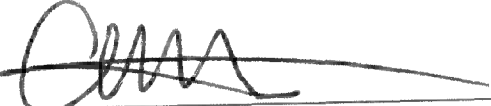
77. Any settlement which may be reached as a result of such a conference shall be recorded in a written consent agreement signed by all parties or their representatives and shall conform with the provisions of Section 22.18(b)(2) of the Consolidated Rules. No settlement or consent agreement shall dispose of this proceeding without a final order from the Regional Judicial Officer or the Regional Administrator.

78. Please note that a request for an informal settlement conference does not extend the thirty (30) day period during which a written answer must be filed.

Date 9/27/19

  
DeAndré Singletary, Acting Division Director  
Enforcement & Compliance Assurance Division

Date: 9/27/19

  
Catherine R. M. Chiccine, Attorney  
Office of Regional Counsel

Attachment

**CERTIFICATE OF SERVICE**

I hereby certify that the original and one true and correct copy of the foregoing Complaint and Notice of Opportunity for Hearing were hand delivered to the Regional Hearing Clerk, U.S. Environmental Protection Agency, Region 7, 11201 Renner Boulevard, Lenexa, KS 66219, on Sept 27, 2019. A true and correct copy of the foregoing Complaint, Compliance Order, and Notice of Opportunity for Hearing together with a copy of the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation or Suspension of Permits were sent by certified mail, return receipt requested, on Sept 27, 2019 to:

Luigui P. Andrade  
Registered Agent  
Luigi's Painting, LLC  
9406 N. Avenue Plaza, Apt. G17  
Omaha, NE 68127

Luigui P. Andrade  
Luigi's Painting, LLC  
8911 Q Street  
Omaha, NE 68127

