

SYLVIA QUAST  
Regional Counsel



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UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY  
REGION IX

**In the Matter of:**

**Zamora Enterprises Corporation  
dba ZPainters  
Respondent.**

**Docket No. TSCA-09-2023-0079**

**CONSENT AGREEMENT AND FINAL  
ORDER PURSUANT TO  
40 C.F.R. §§ 22.13 AND 22.18**

**CONSENT AGREEMENT**

1 The United States Environmental Protection Agency (“EPA”), Region IX, and Zamora  
2 Enterprises Corporation dba ZPainters (“Respondent”) agree to settle this matter and consent to  
3 the entry of this Consent Agreement and Final Order (“CAFO”), which simultaneously  
4 commences and concludes this matter in accordance with 40 C.F.R. §§ 22.13(b) and 22.18(b).

**I. AUTHORITY, JURISDICTION, AND PARTIES**

6 1. This is a civil administrative penalty action brought against Respondent pursuant to  
7 Section 16(a) of the Toxic Substances Control Act (“TSCA”), 15 U.S.C. § 2615(a), for violations  
8 of Section 409 of TSCA, 15 U.S.C. § 2689, for failing to comply with Sections 402 and 406 of  
9 TSCA, 15 U.S.C. §§ 2682 and 2686, and their implementing regulations promulgated at  
10 40 C.F.R. Part 745, Subpart E – Residential Property Renovation (“Subpart E”).

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1 Consent Agreement and Final Order

1 2. Complainant is the Manager of the Toxics Section, Enforcement and Compliance  
2 Assurance Division, EPA, Region IX, who has been duly delegated the authority to bring and  
3 settle this action under TSCA.

4 3. Respondent provides painting services to residential and commercial properties. At all  
5 times relevant to this CAFO, Respondent was registered to do conduct business in the State of  
6 California.

## 7 II. APPLICABLE STATUTORY AND REGULATORY SECTIONS

8 4. Pursuant to Section 402(a) and (c) of TSCA, 15 U.S.C. § 2682(a) and (c),  
9 40 C.F.R. § 745, Subpart E sets forth requirements for certification of individuals and firms  
10 engaged in lead-based paint activities and work practice standards for renovation, repair, and  
11 painting activities in target housing and child-occupied facilities.

12 5. Pursuant to Section 406(b) of TSCA, 15 U.S.C. § 2686(b), 40 C.F.R. Part 745, Subpart E  
13 requires a person who performs renovations for compensation in target housing and child-  
14 occupied facilities to provide a lead hazard information pamphlet to the owner and occupant  
15 before beginning the renovation.

16 6. “Firm” means a company, partnership, corporation, sole proprietorship, or individual  
17 doing business, association, or other business entity; a Federal, State, Tribal, or local government  
18 agency; or a nonprofit organization. 40 C.F.R. § 745.83.

19 7. “Painted surface” means a component surface covered in whole or in part with paint or  
20 other surface coatings. 40 C.F.R. § 745.83.

21 8. “Pamphlet” means the EPA pamphlet titled “Renovate Right: Important Lead Hazard  
22 Information for Families, Child Care Providers and Schools” developed under Section 406(a)

1 of TSCA for use in complying with Section 406(b) of TSCA, or any State or Tribal pamphlet  
2 approved by EPA pursuant to 40 C.F.R. § 745.326 that is developed for the same purpose.  
3 40 C.F.R. § 745.83.

4 9. “Person” means any natural or judicial person including any individual, corporation,  
5 partnership, or association; any Indian Tribe, State, or political subdivision thereof; any interstate  
6 body; and any department, agency, or instrumentality of the Federal Government.

7 40 C.F.R. § 745.83.

8 10. “Renovation” means the modification of any existing structure, or portion thereof, that  
9 results in the disturbance of painted surfaces, unless that activity is part of an abatement as  
10 defined by 40 C.F.R. § 745.223. The term “renovation” includes (but is not limited to): the  
11 removal, modification or repair of painted surfaces or painted components (e.g., modification of  
12 painted doors, surface restoration, window repair, surface preparation activity (such as sanding,  
13 scraping, or other such activities that may generate paint dust)); the removal of building  
14 components (e.g., walls, ceilings, plumbing windows); weatherization projects (e.g., cutting  
15 holes in painted surfaces to install blown-in insulation or to gain access to attics planning  
16 thresholds to install weatherstripping), and interim controls that disturb painted surfaces. The  
17 term “renovation” does not include minor repair and maintenance activities. 40 C.F.R. § 745.83.

18 11. “Renovator” means any individual who either performs or directs workers who perform  
19 renovations. A certified renovator is a renovator who has successfully completed a renovator  
20 course accredited by EPA or an EPA-authorized State or Tribal program. 40 C.F.R. § 745.83.

21 12. “Target housing” means any housing constructed prior to 1978, except housing for the  
22 elderly or persons with disabilities or any 0-bedroom dwelling (unless any child who is less than

1 six years of age resides or is expected to reside in such housing). Section 401(17) of TSCA,  
2 15 U.S.C. § 2681(17).

3 13. No more than 60 days before beginning renovation activities in any residential dwelling  
4 unit of target housing, the firm performing the renovation must provide the owner of the unit  
5 with the “pamphlet,” and either obtain from the owner a written acknowledgment that the owner  
6 has received the “pamphlet” or obtain a certificate of mailing of the “pamphlet” at least 7 days  
7 prior to the renovation. 40 C.F.R. § 745.84(a)(1).

8 14. No more than 60 days before beginning renovation activities in any residential dwelling  
9 unit of target housing, if the owner does not occupy the dwelling unit, the firm performing the  
10 renovation must provide the adult occupant of the unit with the “pamphlet,” and either obtain  
11 from the adult occupant a written acknowledgment that the occupant has received the pamphlet;  
12 or certify in writing that a pamphlet has been delivered to the dwelling and that the firm  
13 performing the renovation has been unsuccessful in obtaining a written acknowledgment from an  
14 adult occupant; or obtain a certificate of mailing of the “pamphlet” at least 7 days prior to the  
15 renovation. 40 C.F.R. § 745.84(a)(2).

16 15. Firms that perform renovations for compensation must apply to EPA for certification to  
17 perform renovations. 40 C.F.R. § 745.89(a).

18 16. On or after April 22, 2010, no firm may perform a renovation without certification from  
19 EPA under 40 C.F.R. § 745.89(a) in target housing unless the renovation is performed in target  
20 housing that has been determined to be lead-free pursuant to 40 C.F.R. § 745.82(a).

21 40 C.F.R. § 745.81(a)(2)(ii).

22 17. Firms performing renovations must ensure that a certified renovator is assigned to each

1 renovation performed by the firm and discharges all of the certified renovator responsibilities  
2 identified in 40 C.F.R. § 745.90. 40 C.F.R. § 745.89(d)(2).

3 18. Firms performing renovations must retain documentation of compliance with the  
4 requirements of 40 C.F.R. § 745.85, including documentation that a certified renovator was  
5 assigned to the project; that the certified renovator provided on-the-job training for workers used  
6 on the project; that the certified renovator performed or directed workers who performed all of  
7 the work practice tasks described in 40 C.F.R. § 745.85(a); and that the certified renovator  
8 performed the post-renovation cleaning verification described in 40 C.F.R. § 745.85(b).  
9 40 C.F.R. § 745.86(b)(6).

10 19. Firms must post signs clearly defining the work area and warning occupants and other  
11 persons not involved in renovation activities to remain outside of the work area.  
12 40 C.F.R. § 745.85(a)(1).

13 20. If a renovation will affect surfaces within 10 feet of the property line, the renovation firm  
14 must erect vertical containment or equivalent extra precautions in containing the work area to  
15 ensure that dust and debris from the renovation does not contaminate adjacent buildings or  
16 migrate to adjacent properties. Vertical containment or equivalent extra precautions in containing  
17 the work area may also be necessary in other situations in order to prevent contamination of  
18 other buildings, other areas of the property, or adjacent buildings or properties.  
19 40 C.F.R. § 745.85(a)(2)(ii)(D).

20 21. Section 16(a) of TSCA, 15 U.S.C. § 2615(a), and the Civil Monetary Penalty Inflation  
21 Adjustment Rule at 40 C.F.R. Part 19, which implements the Federal Civil Penalties Inflation  
22 Adjustment Act of 1990, 28 U.S.C. § 2461, as amended, authorize civil penalties not to exceed

1 \$46,989 per day for each violation of Section 409 of TSCA, 15 U.S.C. § 2689, that occurred  
2 after November 2, 2015, where penalties are assessed on or after January 6, 2023.

### 3 **III. ALLEGATIONS**

4 22. At all times relevant to this CAFO, Respondent was a “person,” as that term is defined at  
5 40 C.F.R. § 745.83.

6 23. At all times relevant to this CAFO, Respondent was a “firm,” as that term is defined at  
7 40 C.F.R. § 745.83.

8 24. At all times relevant to this CAFO, the properties located at 10382, 10382½, 10384, and  
9 10384½ Bellwood Avenue in Los Angeles, California (collectively “the Properties”) were  
10 “target housing,” as that term is defined at Section 401 of TSCA, 15 U.S.C. § 2681.

11 25. During the period of approximately February 2022 through April of 2022, Respondent  
12 performed “renovations,” as that term is defined at 40 C.F.R. § 745.83, for compensation at the  
13 Properties (collectively “the Renovations”).

14 26. With respect to the renovations conducted at the Properties, Respondent did not qualify  
15 for any of the exceptions involving a lead-free determination identified in 40 C.F.R. § 745.82(a).

### 16 INFORMATION DISTRIBUTION REQUIREMENTS

17 27. Paragraphs 1 through 26 of this CAFO are realleged and are incorporated herein by  
18 reference.

19 28. Respondent did not provide the owner of the Properties the “pamphlet.”

20 29. Respondent did not provide the adult occupants of the properties located at 10382,  
21 10382½, and 10384½ Bellwood Avenue, Los Angeles, California, with the “pamphlet.”

22 30. Respondent’s failure to provide the owner and adult occupant(s) of the Properties the

1 “pamphlet,” constitute four separate violations of 40 C.F.R. §§ 745.84(a)(1) and (2), and  
2 Section 409 of TSCA, 15 U.S.C. § 2689.

3 FIRM RESPONSIBILITIES

4 31. Paragraphs 1 through 30 of this CAFO are realleged and are incorporated herein by  
5 reference.

6 32. Respondent did not ensure that a certified renovator discharged all of the certified  
7 renovator responsibilities identified in 40 C.F.R. § 745.90 at the Properties for the Renovations.

8 33. Respondent’s failure to ensure that a certified renovator discharged all of the certified  
9 renovator responsibilities identified in 40 C.F.R. § 745.90 for the Renovations, constitute four  
10 separate violations of 40 C.F.R. § 745.89(d)(2), and Section 409 of TSCA, 15 U.S.C. § 2689.

11 RECORD KEEPING REQUIREMENTS

12 34. Paragraphs 1 through 33 of this CAFO are realleged and are incorporated herein by  
13 reference.

14 35. Respondent did not retain the following documentation for the Renovations: a certified  
15 renovator was assigned to the renovation; a certified renovator provided on-the-job training for  
16 workers used on the renovations; a certified renovator performed or directed workers who  
17 performed all of the work practice tasks described in 40 C.F.R. § 745.85(a); and a certified  
18 renovator performed the post-renovation cleaning verifications described in  
19 40 C.F.R. § 745.85(b).

20 36. Respondent’s failure to retain the documentation listed directly above, for the  
21 Renovations, constitute sixteen separate violations of 40 C.F.R. § 745.86(b)(6), and Section 409  
22 of TSCA, 15 U.S.C. § 2689.





1 FIRM CERTIFICATION

2 44. Paragraphs 1 through 43 of this CAFO are realleged and are incorporated herein by  
3 reference.

4 45. At the time of the Renovations, Respondent had not applied to EPA for a certification to  
5 perform renovations or dust sampling in target housing.

6 46. Respondent’s failure to apply for certification and be certified to perform renovations for  
7 compensation in target housing at the time of the Renovations constitutes a violation of  
8 40 C.F.R. § 745.81(a)(2)(ii), and Section 409 of TSCA, 15 U.S.C. § 2689.

9 **IV. RESPONDENT’S ADMISSIONS**

10 47. In accordance with 40 C.F.R. § 22.18(b)(2) and for the purpose of this proceeding,  
11 Respondent:

- 12 a. admits the jurisdictional allegations contained herein;
- 13 b. neither admits nor denies the specific factual allegations contained herein;
- 14 c. consents to the assessment of the stated civil penalty and to any conditions  
15 specified herein;
- 16 d. waives any right to contest the allegations contained herein; and
- 17 e. waives the right to appeal the proposed Final Order accompanying this Consent  
18 Agreement.

19 **V. CIVIL ADMINISTRATIVE PENALTY**

20 48. Respondent agrees to the assessment of a penalty in the amount of THREE THOUSAND  
21 AND FIFTY-THREE DOLLARS (\$3,053) as final settlement of the civil claims against  
22 Respondent arising under TSCA as alleged in Section III of this CAFO.

1 49. The assessed penalty was calculated based on Respondent's ability to pay and  
2 Respondent's ability to continue to do business. Any false statement made to EPA may result in  
3 voiding Section V of this CAFO.

4 50. Respondent shall pay the assessed penalty no later than thirty (30) calendar days from the  
5 effective date of this CAFO. The assessed penalty shall be paid by certified or cashier's check,  
6 including the name and docket number of this matter, payable to "Treasurer, United States of  
7 America," or paid by one of the other methods listed below and sent as follows:

8 **Regular Mail:**

9 U.S. Environmental Protection Agency  
10 Fines and Penalties  
11 Cincinnati Finance Center  
12 PO Box 979077  
13 St. Louis, MO 63197-9000

14 **Wire Transfers:**

15 Wire transfers must be sent directly to the Federal Reserve Bank in New York City with the  
16 following information:

17 Federal Reserve Bank of New York  
18 ABA = 021030004  
19 Account = 68010727  
20 SWIFT address = FRNYUS33  
21 33 Liberty Street  
22 New York, NY 10045  
23 Field Tag 4200 of the Fedwire message should read  
24 "D 68010727 Environmental Protection Agency"

25 **Overnight Mail:**

26 U.S. Bank  
27 1005 Convention Plaza  
28 Mail Station SL-MO-C2GL  
29 ATTN Box 979077  
30 St. Louis, MO 63101

31 **ACH** (also known as REX or remittance express):

32 US Treasury REX/Cashlink ACH Receiver ABA = 051036706  
33 Account Number: 310006, Environmental Protection Agency  
34 CTX Format Transaction Code 22 - checking

1 Physical location of US Treasury Facility  
2 5700 Rivertech Court  
3 Riverdale, MD 20737  
4 Remittance Express (REX) 1-866-234-5681

5 **Online Payment:**

6 This payment option can be accessed from the information below:  
7 [www.pay.gov](http://www.pay.gov)  
8 Enter "sfo1.1" in the search field  
9 Open form and complete required fields

10 If clarification regarding a particular method of payment remittance is needed, contact the  
11 EPA Cincinnati Finance Center at (513) 487-2091.

12 Concurrently, a copy of each check or notification that the payment has been made by  
13 one of the other methods listed above, including proof of the date payment was made, shall be  
14 sent with a transmittal letter indicating Respondent's name, the case title, and the docket number  
15 to the following addresses:

16 Regional Hearing Clerk:  
17 [R9HearingClerk@epa.gov](mailto:R9HearingClerk@epa.gov)

18 Christopher Rollins:  
19 [rollins.christopher@epa.gov](mailto:rollins.christopher@epa.gov)

20 51. Payment of the above civil administrative penalty shall not be used by Respondent or any  
21 other person as a tax deduction from Respondent's federal, state, or local taxes.

22 52. If Respondent fails to pay the assessed civil administrative penalty specified in Paragraph  
23 48 by the manner and deadlines specified in Paragraph 50, then the entire remaining balance of  
24 the assessed penalty shall immediately become due and payable. Respondent also shall pay to  
25 EPA a stipulated penalty of \$100 per day for each day that payment is late in addition to the  
26 assessed penalty. Stipulated penalties shall accrue until such time as the assessed penalty and all  
27 accrued stipulated penalties are paid and shall become due and payable upon written request by

1 EPA. In addition, failure to pay the civil administrative penalty by the manner and deadlines  
2 specified in Paragraph 50 may lead to any or all of the following actions:

- 3 a. The debt being referred to a credit reporting agency, a collection agency, or to the  
4 Department of Justice for filing of a collection action in the appropriate United  
5 States District Court. 40 C.F.R. §§ 13.13, 13.14, and 13.33. In any such collection  
6 action, the validity, amount, and appropriateness of the assessed penalty and of  
7 this CAFO shall not be subject to review.
- 8 b. The debt being collected by administrative offset (i.e., the withholding of money  
9 payable by the United States to, or held by the United States for, a person to  
10 satisfy the debt the person owes the Government), which includes, but is not  
11 limited to, referral to the Internal Revenue Service for offset against income tax  
12 refunds. 40 C.F.R. Part 13, Subparts C and H.
- 13 c. EPA may (i) suspend or revoke Respondent's licenses or other privileges; or (ii)  
14 suspend or disqualify Respondent from doing business with EPA or engaging in  
15 programs EPA sponsors or funds. 40 C.F.R. § 13.17.
- 16 d. In accordance with the Debt Collection Act of 1982 and 40 C.F.R. Part 13,  
17 interest, penalties charges, and administrative costs will be assessed against the  
18 outstanding amount that Respondent owes to EPA for Respondent's failure to pay  
19 in full the assessed civil administrative penalty by the deadlines specified in  
20 Paragraph 50. Interest will be assessed at an annual rate that is equal to the rate of  
21 current value of funds to the United States Treasury (i.e., the Treasury tax and  
22 loan account rate) as prescribed and published by the Secretary of the Treasury in

1 the Federal Register and the Treasury Fiscal Requirements Manual Bulletins.  
2 40 C.F.R. § 13.11(a)(1). Penalty charges will be assessed monthly at a rate of 6%  
3 per annum. 40 C.F.R. § 13.11(c). Administrative costs for handling and collecting  
4 Respondent's overdue debt will be based on either actual or average cost incurred,  
5 and will include both direct and indirect costs. 40 C.F.R. § 13.11(b). In addition,  
6 if this matter is referred to another department or agency (e.g., the Department of  
7 Justice, the Internal Revenue Service), that department or agency may assess its  
8 own administrative costs, in addition to EPA's administrative costs, for handling  
9 and collecting Respondent's overdue debt.

#### 10 **VI. RESPONDENT'S CERTIFICATION**

11 53. In executing this CAFO, Respondent certifies that it is now fully in compliance with the  
12 federal regulations promulgated at 40 C.F.R. Part 745, Subpart E.

#### 13 **VII. RETENTION OF RIGHTS**

14 54. In accordance with 40 C.F.R. § 22.18(c), this CAFO only resolves Respondent's liability  
15 for federal civil penalties for the violations and facts specifically alleged in Section III of this  
16 CAFO. Nothing in this CAFO is intended to or shall be construed to resolve (i) any civil liability  
17 for violations of any provision of any federal, state, or local law, statute, regulation, rule,  
18 ordinance, or permit not specifically alleged in Section III of this CAFO; or (ii) any criminal  
19 liability. EPA specifically reserves any and all authorities, rights, and remedies available to it  
20 (including, but not limited to, injunctive or other equitable relief or criminal sanctions) to address  
21 any violation of this CAFO or any violation not specifically alleged in Section III of this CAFO.

22 55. This CAFO does not exempt, relieve, modify, or affect in any way Respondent's duty to

1 comply with all applicable federal, state, and local laws, regulations, rules, ordinances, and  
2 permits.

3 **VIII. ATTORNEYS' FEES AND COSTS**

4 56. Each party shall bear its own attorneys' fees, costs, and disbursements incurred in this  
5 proceeding.

6 **IX. EFFECTIVE DATE**

7 57. In accordance with 40 C.F.R. §§ 22.18(b)(3) and 22.31(b), this CAFO shall be effective  
8 on the date that the final order contained in this CAFO, having been approved and issued by  
9 either the Regional Judicial Officer or Regional Administrator, is filed.

10 **X. BINDING EFFECT**

11 58. The undersigned representative of Complainant and the undersigned representative of  
12 Respondent each certifies that he or she is fully authorized to enter into the terms and conditions  
13 of this CAFO and to bind the party he or she represents to this CAFO.

14 59. The provisions of this CAFO shall apply to and be binding upon Respondent and its  
15 officers, directors, employees, agents, trustees, servants, authorized representatives, successors,  
16 and assigns.

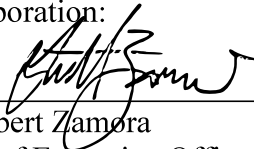
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FOR RESPONDENT, Zamora Enterprises Corporation:

June 26, 2023

DATE

  
\_\_\_\_\_  
Gilbert Zamora  
Chief Executive Officer  
Zamora Enterprises Corporation

FOR COMPLAINANT, U.S. ENVIRONMENTAL PROTECTION AGENCY, REGION IX:

July 25, 2023

DATE

MATTHEW SALAZAR   
\_\_\_\_\_  
Matt Salazar, PE  
Manager, Toxics Section  
Enforcement and Compliance Assurance Division  
U.S. Environmental Protection Agency, Region IX

**FINAL ORDER**

Complainant and Respondent, having entered into the foregoing Consent Agreement, IT IS HEREBY ORDERED that this Consent Agreement and Final Order (Docket No. TSCA-09-2023-0079) be entered, and that Respondent shall pay a civil administrative penalty in the amount of THREE THOUSAND AND FIFTY-THREE DOLLARS (\$3,053), and comply with the terms and conditions set forth in the Consent Agreement. This Consent Agreement and Final Order shall become effective upon filing.

\_\_\_\_\_  
Beatrice Wong                      Date  
Regional Judicial Officer  
U.S. EPA, Region IX



1 **CERTIFICATE OF SERVICE**

2 I hereby certify that the foregoing Consent Agreement and Final Order in the matter of Zamora  
3 Enterprises Corporation dba ZPainters (TSCA-09-2023-0079) was filed with the Regional  
4 Hearing Clerk, and that a true and correct copy of the same was sent to the following parties via  
5 electronic mail, as indicated below:

6 **RESPONDENT:** Gilbert Zamora  
7 President  
8 Zamora Enterprises Corporation  
9 dba ZPainters  
10 1979 N. Lake Avenue  
11 Altadena, CA 91001  
12 [gil@zpainters.com](mailto:gil@zpainters.com)  
13 (310) 341-6768

14 **COMPLAINANTS:** Nathaniel Moore  
15 Assistant Regional Counsel  
16 U.S. EPA – Region IX  
17 75 Hawthorne Street, ORC-2-2  
18 San Francisco, CA 94105  
19 [Moore.Nathaniel@EPA.Gov](mailto:Moore.Nathaniel@EPA.Gov)  
20  
21 Christopher Rollins  
22 Environmental Protection Specialist  
23 U.S. EPA – Region IX  
24 75 Hawthorne Street, ENF-2-2  
25 San Francisco, CA 94105  
26 [Rollins.Christopher@epa.gov](mailto:Rollins.Christopher@epa.gov)

27  
28  
\_\_\_\_\_  
29 Ponly J. Tu Date  
30 Regional Hearing Clerk  
31 U.S. EPA - Region IX