



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

SEP 26 2018

REPLY TO THE ATTENTION OF:

LC-17J

VIA E-MAIL

Mr. Mark Benner  
Owner  
Mark's Handyman Service  
109 Pine Street  
Paw Paw, Michigan 49079  
bennersouth@gmail.com

Consent Agreement and Final Order – In the Matter of: Mark's Handyman Service  
Docket No. TSCA-05-2018-0014

Dear Mr. Benner:

Enclosed please find a copy of a fully executed Consent Agreement and Final Order in resolution of the above case. This document was filed on September 26, 2018 with the Regional Hearing Clerk.

The civil penalty in the amount of \$250 is to be paid in the manner described in paragraphs 78 and 79. Please be certain that the docket number is written on both the transmittal letter and on the check. Payment is due within 30 calendar days of the filing date.

Thank you for your cooperation in resolving this matter.

Sincerely,

A handwritten signature in blue ink that reads "Christina Saldivar".

Christina Saldivar  
Pesticides and Toxics Compliance Section

Enclosure

cc: Maria Gonzalez, (C-14J)

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5



In the Matter of: ) Docket No. TSCA-05-2018-0014  
)  
Mark Benner DBA Mark's Handyman ) Proceeding to Assess a Civil Penalty Under  
Service ) Section 16(a) of the Toxic Substances  
Paw Paw, Michigan ) Control Act, 15 U.S.C. § 2615(a)  
)  
Respondent. )

Consent Agreement and Final Order

Preliminary Statement

1. This is an administrative action commenced and concluded under Section 16(a) of the Toxic Substances Control Act (TSCA), 15 U.S.C. § 2615(a), and the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits (Consolidated Rules) as codified at 40 C.F.R. § 22.1(a)(5), 22.13(b), and 22.18(b)(2)-(3).

2. The Complainant is, by lawful delegation, the Director of the Land and Chemicals Division, U. S. Environmental Protection Agency (EPA), Region 5.

3. Respondent is Mark's Handyman Service, a sole proprietorship with a place of business located at 109 Pine Street, Paw Paw, Michigan 49079.

4. Where the parties agree to settle one or more causes of action before the filing of a complaint, the administrative action may be commenced and concluded simultaneously by the issuance of a consent agreement and final order (CAFO). See 40 C.F.R. § 22.13(b).

5. The parties agree that settling this action without the filing of a complaint or the adjudication of any issue of fact or law is in their interest and in the public interest.

6. Respondent consents to the terms of this CAFO, including the assessment of the civil penalty specified below.

**Jurisdiction and Waiver of Right to Hearing**

7. Respondent admits the jurisdictional in this CAFO and neither admits nor denies the factual allegations in this CAFO.

8. Respondent waives its right to request a hearing as provided at 40 C.F.R. § 22.15(c), any right to contest the allegations in this CAFO, and its right to appeal this CAFO.

**Statutory and Regulatory Background**

9. In promulgating the Residential Lead-Based Paint Hazard Reduction Act of 1992 (Title X), at 42 U.S.C. §§ 4851 - 4856, Congress found, among other things, that low-level lead poisoning is widespread among American children, afflicting as many as 3,000,000 children under the age of 6; at low levels, lead poisoning in children causes intelligence deficiencies, reading and learning disabilities, impaired hearing, reduced attention span, hyperactivity, and behavior problems; and the ingestion of household dust containing lead from deteriorating or abraded lead-based paint is the most common cause of lead poisoning in children. See 42 U.S.C. § 4851. A key component of the national strategy to reduce and eliminate the threat of childhood lead poisoning is to educate the public concerning the hazards and sources of lead-based paint poisoning and steps to reduce and eliminate such hazards.

10. Section 1021 of the Residential Lead-Based Paint Hazard Reduction Act of 1992 amended TSCA, 15 U.S.C. §§ 2601 - 2697, by adding Subchapter IV – Lead Exposure Reduction, at 15 U.S.C. §§ 2681 through 2692.

11. Section 402(a) of TSCA, 15 U.S.C. § 2682, requires the Administrator of EPA to promulgate regulations to ensure that individuals engaged in lead-based paint activities are

properly trained; that training programs are accredited; that contractors engaged in such activities are certified; and that such regulations contain standards for performing lead-based paint activities, taking into account reliability, effectiveness and safety.

12. Section 402(c) of TSCA, 15 U.S.C. § 2682, requires the Administrator of EPA to promulgate regulations for the conduct of renovation and remodeling activities which may create a risk of exposure to dangerous levels of lead.

13. Section 407 of TSCA, 15 U.S.C. § 2687 requires that the regulations promulgated by the Administrator include such recordkeeping and reporting requirements as may be necessary to insure the effective implementation of the TSCA Lead Exposure Reduction requirements at 15 U.S.C. §§ 2681-2692.

14. Pursuant to Sections 402 and 407 of TSCA, EPA promulgated regulations at 40 C.F.R. Part 745, Subparts E and L, residential property renovations, prescribing procedures and requirements for accreditation of training programs, certification of individuals and firms, work practice standards for renovation, repair and painting activities in target housing and child-occupied facilities, and record-keeping, titled Lead; Renovation, Repair, and Painting Program; Lead Hazard Information Pamphlet (RRP Rule)

15. The RRP Rule requires that firms and individuals performing renovation of target housing for compensation be certified, 40 C.F.R. §§ 745.81 and 745.89, and that renovation work conform to certain work practice standards, 40 C.F.R. § 745.85.

16. As set forth at 40 C.F.R. § 745.82(a), Subpart E applies to renovations performed for compensation in target housing and child-occupied facilities.

17. Under 40 C.F.R. § 745.81(a)(2)(ii), any firm that performs, offers, or claims to perform renovations of target housing or a child-occupied facility after April 22, 2010, must be certified by EPA.

18. Under 40 C.F.R. § 745.81(a), each firm that performs for compensation a renovation of target housing or a child occupied facility must be certified by EPA and by an EPA accredited training provider to conduct renovation, remodeling and/or painting activities in target housing and/or child occupied facilities, and must comply with the specified work practice and recordkeeping requirements at 40 C.F.R. §§745.85-86. .

19. 40 C.F.R. § 745.83 defines *child-occupied facility* to mean a building or portion of a building, constructed prior to 1978, visited regularly by the same child, under 6 years of age, on a least two different days within any week (Sunday through Saturday period), provided that each day's visit last at least 3 hours and the combined weekly visits last at least 6 hours, and the combined annual visit last at least 60 hours.

20. 40 C.F.R. § 745.83 defines *firm* to mean 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.

21. 40 C.F.R. § 745.83 defines *minor repair and maintenance activities* to mean activities, including minor heating, ventilation or air conditioning work, electrical work, and plumbing, that disrupt 6 square feet or less of painted surface per room for interior activities or 20 square feet or less of painted surface for exterior activities where no work practices prohibited or restricted by 40 C.F.R. § 745.85(a)(3) are used and where the work does not involve window replacement or demolition of painted surface areas.

22. 40 C.F.R. § 745.83 defines *person* to mean 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.

23. 40 C.F.R. § 745.83 defines *renovation* to mean 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 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 ceiling, 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.

24. 40 C.F.R. § 745.83 defines *renovator* to mean 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.

25. 40 C.F.R. § 745.103 defines *residential dwelling* to mean a single-family dwelling, including attached structures such as porches and stoops; or a single-family dwelling unit in a structure that contains more than one separate residential dwelling unit, and in which each such unit is used or occupied, or intended to be used or occupied, in whole or in part, as the residence of one or more persons.

26. 40 C.F.R. § 745.103 defines *target housing* to mean any housing constructed prior to 1978, except housing for the elderly or persons with disabilities (unless any child who is less than six (6) years of age resides or is expected to reside in such housing) or any zero-bedroom dwelling.

27. 40 C.F.R. § 745.86(b) says records that must be retained pursuant to paragraph (a) of that section shall include (where applicable): (1) Records or reports certifying that a determination had been made that lead-based paint was not present on the components affected by the renovation as described in § 745.82(a); (2) Signed and dated acknowledgements of receipt as described in § 745.84(a)(1)(i), (a)(2)(i), (b)(1)(i), (c)(1)(i)(A), and (c)(1)(ii)(A); (3) Certifications of attempted delivery as described in § 745.84(a)(2)(i) and (c)(1)(ii)(A); (4) Certifications of mailing as described in § 745.84(a)(1)(ii), (a)(2)(ii), (b)(1)(ii), (c)(1)(i)(B), and (c)(1)(ii)(B); (5) Records of notification activities performed regarding common area renovations, as described in § 745.84(b)(3) and (b)(4), and renovations in child-occupied facilities, as described in § 745.84(c)(2); (6) Documentation of compliance with the requirements of § 745.85, including documentation that a certified renovator was assigned to the project, that the certified renovator provided on-the-job training for workers used on the project, that the certified renovator performed or directed workers who performed all of the tasks described in § 745.85(a), and that the certified renovator performed the post-renovation cleaning verification described in § 745.85(b). If the renovation firm was unable to comply with all the requirements of this rule due to an emergency as defined in § 745.82, the firm must document the nature of the emergency and the provisions of the rule that were not followed. The documentation must include a copy of the certified renovator's training certificate, and a certification by the certified

renovator assigned to the project that includes the items set forth at 40 C.F.R. § 745.86(b)(6)(i)-(viii).

28. C.F.R. § 745.89(d) requires firms performing renovations to ensure that:

- (1) All individuals performing renovation activities on behalf of the firm are either certified renovators or have been trained by a certified renovator in accordance with §745.90.
- (2) A certified renovator is assigned to each renovation performed by the firm and discharges all of the certified renovator responsibilities identified in § 745.90.
- (3) All renovations performed by the firm are performed in accordance with the work practice standards in § 745.85.
- (4) The pre-renovation education requirements of § 745.84 have been performed.
- (5) The recordkeeping requirements of § 745.86 are met.

29. Under 15 U.S.C. § 2689 and 40 C.F.R. § 745.87(a), failing or refusing to comply with any requirement of 40 C.F.R. Part 745, Subpart E, violates Section 409 of TSCA, 15 U.S.C. § 2689.

30. Under 15 U.S.C. § 2689 and 40 C.F.R. § 745.87(b), a failure or refusal to establish and maintain records or to make available or permit access to or copying of records as required by 40 C.F.R. Part 745, Subpart E, violates Section 409 of TSCA, 15 U.S.C. § 2689.

31. Section 16(a) of TSCA, 42 U.S.C. § 2615(a) and 40 C.F.R. § 745.87(d), 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 \$37,500 for violations that occurred after January 12, 2009.

#### **General Allegations**



32. Complainant incorporates paragraphs 1 through 31 of this CAFO as if set forth in this paragraph.

33. Respondent is a person as defined in 40 C.F.R. § 745.83.

34. At all times relevant to this CAFO, Respondent was a sole proprietorship doing business in the State of Michigan. Respondent was therefore a firm, as defined at 40 C.F.R. § 745.83.

35. On November 13, 2015, EPA received a tip/complaint regarding Respondent's compliance with Sections 402 and 407 of TSCA, 15 U.S.C. §§ 2682(a) and 2686.

36. On March 30, 2016, EPA issued a request for information to Respondent, under 40 C.F.R. § 745.86(a), seeking, among other things: 1) a copy of renovation certification showing completion of a renovator lead safe training course; 2) a copy of the EPA RRP firm certification; 3) copies of all contracts, invoices, work orders and/or agreements for each renovation; 4) copies of all signed and dated acknowledgement of receipt of a pamphlet by the owners or occupants of a property or residential unit and/or common area of property, certificates or attempted delivery or certificates of mailing; 5) all documentation related to the renovation showing that a certified renovator was assigned to the project, the certified renovator provided on the job training for workers used on the project, the certified renovator performed or directed workers who posted signs clearly defining the work area, performed containment activities, including identifying and isolating the work area, maintained the integrity of containment, and performed post-renovation cleaning verification, including cleaning the work area, ensuring that no dust, debris, or residue remained at the property, and properly disposing of property renovation waste and debris; and any knowledge of the presence of lead-based paint or lead-based paint hazards before the renovation.

37. On April 29, 2016, Respondent provided a response to the Information Request Letter referenced in paragraph 36.

38. Based on the information EPA received, Respondent performed, or directed workers to perform for compensation, the following modifications at residential housing built in 1901:

Property Address	Built Year	Contracted Work	Contracted Work Performed Date
402 Elm Place, Kalamazoo, Michigan	1901	Removal of approximately 88 square feet of exterior peeling painted surfaces.	November 2-5, 2015

39. The housing addressed above is residential housing.

40. The residential housing described in paragraph 38 above is a residential dwelling.

41. The residential housing described in paragraph 38 above was built prior to 1978.

42. The residential housing described in paragraph 38 above is target housing as defined at 40 C.F.R. § 745.103.

43. The Contracted Work described in paragraph 38 above was a renovation as defined at 40 C.F.R. § 745.83.

44. Respondent performed the renovation described in paragraph 38 above.

45. Respondent received compensation for the renovation described in paragraph 38 above.

**Count I - Performing the Renovation Without Firm Certification from EPA**

46. Complainant incorporates paragraphs 1 through 45 of this CAFO as if set forth in this paragraph.

47. 40 C.F.R. § 745.81(a)(2)(ii) states that no firm may perform, offer, or claim to perform renovations without certification from EPA under 40 C.F.R. § 745.89 in target housing

or child occupied facilities, unless the renovation qualifies for one of the exceptions identified in 40 C.F.R. § 745.82(a).

48. Respondent performed the renovation described in paragraph 38, above, without certification from EPA under 40 C.F.R. § 745.89, and did not qualify for one of the exceptions identified in 40 C.F.R. § 745.82.

49. Respondent performance of renovation in target housing without certification from EPA under 40 C.F.R. § 745.89 constitutes a violation of 40 C.F.R. § 745.81(a)(2)(ii) and Section 409 of TSCA, 15 U.S.C. § 2689.

**Count II – Failure to Ensure that All Individuals Performing Renovation Activities Are Either Certified Renovators or Have Been Trained by a Certified Renovator**

50. Complainant incorporates paragraphs 1 through 45 of this CAFO as if set forth in this paragraph.

51. 40 C.F.R. § 745.89(d)(1) requires firms that perform renovations to ensure that all individuals performing renovation activities on behalf of the firm are either certified renovators or have been trained by a certified renovator in accordance with § 745.90.

52. 40 C.F.R. § 745.90 requires individuals that became certified renovators to undertake certain training by a certified renovator to maintain renovator certification.

53. At all times relevant to this CAFO, an individual who performed the renovations described in paragraph 38 above on behalf of Respondent had not completed the training required by or complied with the requirements of 40 C.F.R. § 745.90 to maintain certification.

54. At all times relevant to this CAFO, an individual who performed the renovations described in paragraph 38 above on behalf of Respondent was not certified or trained by a certified renovator in accordance with 40 C.F.R. § 745.90.

55. Respondent failed to ensure that all individuals performing the renovation activities described in paragraph 38 on behalf of the firm were either certified renovators or trained by a certified renovator in accordance with 40 C.F.R. § 745.90.

56. Respondent's failure to ensure all individuals performing renovation activities on its behalf were certified or trained by a certified renovator in accordance with 40 C.F.R. §745.90 constitutes a violation of 40 C.F.R. § 745.89(d)(1) and Section 409 of TSCA, 15 U.S.C § 2689.

**COUNT III – Failure to Ensure that a Certified Renovator is Assigned to Each Renovation**

57. Complainant incorporates paragraphs 1 through 45 of this CAFO as if set forth in this paragraph.

58. 40 C.F.R. § 745.89(d)(2) requires firms that perform renovations to 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.

59. At all times relevant to this CAFO, no certified renovator was assigned to the renovation described in paragraph 38.

60. At all times relevant to this CAFO, a certified renovator did not discharge the certified renovator responsibilities identified in 40 C.F.R. § 745.90 for the renovation described in paragraph 38.

61. At all times relevant to this CAFO, Respondent did not ensure that a certified renovator was assigned to the renovation performed by the firm described in paragraph 38 and discharged all of the certified renovator responsibilities identified in 40 C.F.R. § 745.90.

62. Respondent's failure to 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 constitutes a violation of 40 C.F.R. § 745.89(d)(2) and Section 409 of TSCA, 15 U.S.C § 2689.

**COUNT IV – Failure or Refusal to Establish Records, or Make Available Such  
Records Related to the Renovation to EPA Upon Request**

63. Complainant incorporates paragraphs 1 through 45 of this CAFO as if set forth in this paragraph.

64. Under 40 C.F.R. § 745.86(a), firms performing renovations must retain and, if requested, make available to EPA all records necessary to demonstrate compliance with the 40 C.F.R. Part 745, Subpart E for a period of 3 years following completion of the renovation. 40 C.F.R. § 745.86(b) identifies records that must be retained pursuant to § 745.86(a).

65. The information request described at paragraph 36, among other things, requested information listed at 40 C.F.R. § 745.86(b).

66. Respondent's response to EPA's information request did not supply records requested under 40 C.F.R. § 745.86(a), and listed at 40 C.F.R. § 745.86(b), for the Renovation described in paragraph 38.

67. Respondent did not provide records discussed at 40 C.F.R. § 745.86(b) that EPA requested for the Renovation described in paragraph 38 above.

68. Respondent has failed or refused to establish and maintain records, or make available such records related to renovation to EPA upon request.

69. Respondent's failure or refusal to establish and maintain records or to make available records related to renovation upon request is a violation of 40 C.F.R. § 745.87(a), and Section 409 of TSCA, 15 U.S.C. § 2689.

**Count V – Failure to Clean the Work Area Until No Dust, Debris, or Residue Remains**

**After Renovation has been Completed**

70. Complainant incorporates paragraphs 1 through 45 of this CAFO as if set forth in this paragraph

71. 40 C.F.R. § 745.85(a)(5) requires the firm performing the renovation to clean the work area until no dust, debris or residue remains after the renovation has been completed.

72. Under 40 C.F.R. § 745.85(a)(5)(i)(A), the firm must collect all paint chips and debris and, without dispersing any of it, seal the material in a heavy-duty bag.

73. Paint chips remained at the work area after the renovation described in paragraph 38 was completed.

74. Respondent failed to collect all paint chips and debris and, without dispersing any of it, seal the material in a heavy-duty bag.

75. Respondent failed to clean the work area until no dust, debris, or residue remains after the completion of the renovation described in paragraph 38.

76. Respondent's failure to clean the work area until no dust, debris, or residue remains after the completion of the renovation referenced in paragraph 38 constitutes a violation of 40 C.F.R. § 745.85(a)(5), as promulgated under 15 U.S.C. § 2682, and Section 409 of TSCA, 15 U.S.C. § 2689.

**Civil Penalty**

77. Pursuant to Section 16(a) of TSCA, 15 U.S.C. § 2615(a), Complainant determined that an appropriate civil penalty to settle this action was \$250. In determining the penalty amount, Complainant considered the nature, circumstances, extent, and gravity of the violations alleged and, with respect to the violator, ability to pay, effect on ability to continue to do

business, any history of prior such violations, the degree of culpability, and such other factors as justice may require. Complainant also considered EPA's *Interim Final Consolidated Enforcement Response and Penalty Policy for the Pre-Renovation Education Rule; Renovation, Repair and Painting Rule; and Lead-Based Paint Activities Rule*, dated August 19, 2010.

78. Within 30 days after the effective date of this CAFO, Respondent must pay the \$250 civil penalty for the TSCA violations by sending a cashier's or certified check, payable to "Treasurer, United States of America," to:

U.S. Environmental Protection Agency  
Fines and Penalties  
Cincinnati Finance Center  
P.O. Box 979077  
St. Louis, Missouri 63197-9000

The check must note the following: the case title ("In the Matter of Mark Benner DBA Mark's Handyman Service) and the docket number of this CAFO.

79. A transmittal letter stating Respondent's name, complete address, and the case docket number must accompany the payment in paragraph 78. Respondent must send a copy of the check and transmittal letter to:

Regional Hearing Clerk (E-19J)  
U.S. EPA, Region 5  
77 West Jackson Boulevard  
Chicago, Illinois 60604

Christina Saldivar (LC-17J)  
Pesticides and Toxics Compliance Section  
U.S. EPA, Region 5  
77 West Jackson Boulevard  
Chicago, Illinois 60604

Maria Gonzalez (C-14J)  
Office of Regional Counsel  
U.S. EPA, Region 5  
77 West Jackson Boulevard  
Chicago, Illinois 60604

80. This civil penalty is not deductible for federal tax purposes.

81. If Respondent does not timely pay the civil penalty, EPA may refer this matter to the Attorney General, who will recover such amount, plus interest, in the appropriate district court of the United States under Section 16(a) of TSCA, 15 U.S.C. § 2615(a). Respondent acknowledges that the validity, amount, and appropriateness of the civil penalty are not reviewable in a collection action.

82. Pursuant to 31 C.F.R. § 901.9, Respondent must pay the following interest, fees, and penalties on any amount overdue under this CAFO. Interest will accrue on any amount overdue from the date the payment was due at a rate established pursuant to 31 U.S.C. § 3717. Respondent must pay a \$15 handling charge each month that any portion of the penalty is more than 30 days past due. In addition, Respondent must pay a 6 percent per year penalty on any principal amount 90 days past due.

#### **General Provisions**

83. Consistent with the “Standing Order Authorizing E-mail Service of Order and Other Documents Issued by the Regional Administrator or Regional Judicial Officer Under the Consolidated Rules,” dated March 25, 2017, the parties consent to service of this CAFO by e-mail at the following valid e-mail addresses: gonzalez.maria@epa.gov (for Complainant), and bennersouth@gmail.com (for Respondent). The parties waive their right to service by the methods specified in 40 C.F.R § 22.6.



84. This CAFO resolves only Respondent's liability for federal civil penalties for the violations alleged in the CAFO.

85. This CAFO does not affect the rights of EPA or the United States to pursue appropriate injunctive or other equitable relief or criminal sanctions for any violations of law.

86. This CAFO does not affect Respondent's responsibility to comply with TSCA and the RRP Rule, and other applicable federal, state, and local laws and permits.

87. Respondent certifies that Respondent is no longer engaged in activities subject to TSCA and the regulations at 40 C.F.R. Part 745, and that the information submitted to EPA related to Respondent's financial condition is true and accurate.

88. Respondent certifies that any future activities in which Respondent engages that are subject to TSCA and the regulations at 40 C.F.R. Part 745 will comply with the TSCA and the regulations at 40 C.F.R. Part 745.

89. The terms of this CAFO bind Respondent and its successors and assigns.

90. Each person signing this CAFO certifies that he or she has the authority to sign for the party whom he or she represents and to bind that party to its terms.

91. Each party agrees to bear its own costs and attorney's fees in this action.

92. This CAFO constitutes the entire agreement between the parties.

93. The effective date of this CAFO is the date on which it is filed with the Regional Hearing Clerk.

**Consent Agreement and Final Order  
In the Matter of Mark Benner DBA Mark's Handyman Service  
Docket No. TSCA-05-2018-0014**

**Mark Benner DBA Mark's Handyman Service, Respondent**

9-12-18  
Date

Mark Benner  
Mark Benner  
Owner  
Mark's Handyman Service

**United States Environmental Protection Agency, Complainant**

9-20-18  
Date

Tinka B. Hyde  
Tinka Hyde, Division Director  
Land and Chemicals Division

**Consent Agreement and Final Order**  
**In the Matter of Mark Benner DBA Mark's Handyman Service**  
**Docket No. TSCA-05-2018-0014**

**Final Order**

This Consent Agreement and Final Order, as agreed to by the parties, shall become effective immediately upon filing with the Regional Hearing Clerk. This Final Order concludes this proceeding pursuant to 40 C.F.R. § 22.18 and 22.31. IT IS SO ORDERED.

September 25, 2018  
Date

  
\_\_\_\_\_  
Ann L. Coyle  
Regional Judicial Officer  
United States Environmental Protection Agency  
Region 5

**Consent Agreement and Final Order**

**In the Matter of: Mark Benner DBA Mark's Handyman Service**

**Docket Number: TSCA-05-2018-0014**

**CERTIFICATE OF SERVICE**

I certify that I served a true and correct copy of the foregoing **Consent Agreement and Final Order**, docket number TSCA-05-2018-0014, which was filed on

September 26, 2018, in the following manner to the following to the following addresses:

Copy by E-mail to  
Respondent:

Mr. Mark Benner  
Mark's Handyman Service  
109 Pine Street  
Paw Paw, Michigan 49079  
bennersouth@gmail.com

Copy by E-Mail to  
Attorney for Complainant:

Maria Gonzalez  
gonzalez.maria@epa.gov

Copy by E-mail to  
Regional Judicial Officer:

Ann Coyle  
coyle.ann@epa.gov

Dated:

September 26, 2018



LaDawn Whitehead  
Regional Hearing Clerk  
U.S. Environmental Protection Agency, Region 5