



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590
June 9, 2022

VIA ELECTRONIC EMAIL

M. Nick Kautz
Sales and Finance Director
OHi, LLC
106 Garlisch Drive
Elk Grove Village IL. 60007

nkautz@contactohi.com

Re: Consent Agreement and Final Order – In the Matter of: OHi, LLC
Docket No. TSCA-05-2022-0005

Dear Mr. Kautz:

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 June 9, 2022 with the Regional Hearing Clerk.

The civil penalty in the amount of \$900 is to be paid in the manner described in paragraphs xx and xx.

Thank you for your cooperation in resolving this matter.

Sincerely,

**Thomas,
Juan**

Digitally signed by
Thomas, Juan
Date: 2022.06.08
17:37:19 -05'00'

Juan Thomas
Pesticides and Toxics Compliance Section

Enclosure

cc: Andrew Futerman, (C-14J)

LECAB Mailbox

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5**

| | | |
|---------------------------------|---|------------------------------------|
| In the Matter of: |) | Docket No. TSCA-05- 2022-0005 |
| |) | |
| Our Home Improvement (OHi), LLC |) | Proceeding to Assess a Civil |
| Elk Grove Village, Illinois, |) | Penalty Under Section 16(a) of the |
| |) | Toxic Substances Control Act, |
| Respondent. |) | 15 U.S.C. § 2615(a) |
| _____ |) | |

CONSENT AGREEMENT AND FINAL ORDER

I. 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. Part 22.

2. The Complainant is the Director of the Enforcement and Compliance Assurance Division, U.S. Environmental Protection Agency (EPA), Region 5.

3. Respondent is Our Home Improvement (OHi), LLC, a limited liability corporation with a place of business located at 106 Garlisch Drive, Elk Grove Village, Illinois.

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). 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 assessment of the civil penalty specified in this CAFO and to the terms of this CAFO.

II. Jurisdiction and Waiver of Right to Hearing

7. Respondent admits the jurisdictional allegations 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 in 40 C.F.R. § 22.15(c), any right to contest the allegations in this CAFO, and its right to appeal this CAFO.

III. Statutory and Regulatory Background

9. In promulgating the Residential Lead-Based Paint Hazard Reduction Act of 1992 (Title X), Pub. L. 102-550, 106 Stat. 3897 (codified in scattered sections of 15 U.S.C. and 42 U.S.C.), 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. 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 *et seq.*, by adding Subchapter IV – Lead Exposure Reduction, 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 guidelines for the conduct of renovation and remodeling activities to reduce the risk of exposure to lead in connection with renovation and remodeling of target housing and public buildings built before 1978, and commercial buildings, and to revise the regulations under Section 402(a) of TSCA to apply those regulations to renovation or remodeling activities in target housing, public buildings constructed before 1978, and commercial buildings that create lead-based paint hazards.

13. Section 406(b) of TSCA, 15 U.S.C. § 2686, required the Administrator of EPA to promulgate regulations to require each person who performs for compensation a renovation of target housing to provide a lead hazard information pamphlet to the owner and occupant of such housing prior to commencing the renovation.

14. Section 407 of TSCA, 15 U.S.C. § 2687, requires the regulations promulgated by the Administrator of EPA under Subchapter IV to include such recordkeeping and reporting requirements as may be necessary to insure the effective implementation of the TSCA Lead Exposure Reduction requirements, 15 U.S.C. §§ 2681 through 2692.

15. Section 409 of TSCA, 15 U.S.C. § 2689, makes it unlawful for any person to fail or refuse to comply with any rule or order issued under Subchapter IV – Lead Exposure Reduction, 15 U.S.C. §§ 2681 through 2692. *See also* 40 C.F.R. § 745.87.

16. Section 15 of TSCA, 15 U.S.C. § 2614, makes it unlawful for any person to fail or refuse to establish and maintain records, submit reports, notices, or other information, or permit

access to or copying of records, as required by TSCA or a rule thereunder. *See also* 40 C.F.R. § 745.87.

17. Pursuant to Sections 402 and 406 of TSCA, 15 U.S.C. §§ 2682 and 2686, EPA promulgated the residential property renovation regulations, known as the Lead; Renovations, Repair, and Painting Rule (“RRP Rule”) at 40 C.F.R. Part 745, Subpart E, prescribing procedures and requirements for, *inter alia*: the accreditation of renovator training programs; certification of individuals and firms; work practice standards for renovation, repair and painting activities in target housing and child-occupied facilities; and recordkeeping to demonstrate compliance with work practice standards. 73 *Fed. Reg.* 21691 (April 22, 2008).

18. 40 C.F.R. § 745.82(a) provides that the RRP Rule applies to all renovations performed for compensation in target housing and child-occupied facilities, with certain exceptions not relevant here.

19. 40 C.F.R. § 745.83 defines *person* as any natural or judicial person including any individual, corporation, partnership, or association.

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 *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 or 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, planing thresholds to install weather stripping), and interim controls that disturb painted surfaces. A renovation performed for the purpose of converting a building, or part of a building, into target housing or a child-occupied facility is a renovation under this subpart. The term renovation does not include minor repair and maintenance activities.

22. 40 C.F.R. § 745.83 defines *minor repair and maintenance activities* as 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 none of the work practices prohibited or restricted by §745.85(a)(3) are used and where the work does not involve window replacement or demolition of painted surface areas. When removing painted components, or portions of painted components, the entire surface area removed is the amount of painted surface disturbed. Jobs, other than emergency renovations, performed in the same room within the same 30 days must be considered the same job for the purpose of determining whether the job is a minor repair and maintenance activity.

23. 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.

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. § 745.83 defines *pamphlet* as 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. This includes reproductions of the pamphlet when copied in full and without revisions or deletion of material from the pamphlet (except for the addition or revision of State or local sources of information).

26. Section 401(14) of TSCA, 15 U.S.C. § 2681(14), defines *residential dwelling* as: (A) a single-family dwelling, including attached structures such as porches and stoops; or (B) a single-family dwelling unit in a structure that contains more than 1 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 home or residence of one or more persons.

27. 40 C.F.R. § 745.85(a) requires that renovations must be performed by certified firms, in accordance with 40 C.F.R. § 745.89, using certified renovators in accordance with 40 C.F.R. § 745.90.

28. 40 C.F.R. § 745.84(a)(1) requires 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 of the unit with the pamphlet and either: obtain, from the owner, a written acknowledgement that the owner has received the pamphlet; or obtain a certificate of mailing at least seven days prior to the renovation.

29. 40 C.F.R. § 745.86(a) requires firms performing renovations to retain and, if requested, make available to EPA all records necessary to demonstrate compliance with 40 C.F.R. Part 745, Subpart E for a period of three years following completion of the renovation.

30. 40 C.F.R. § 745.86(b)(6) requires a firm to document compliance with the work practice standards in 40 C.F.R. § 745.85 by retaining records to document that a certified renovator was assigned to the renovation project.

31. 40 C.F.R. § 745.86(b)(6) requires a firm to document compliance with the work practice standards in 40 C.F.R. § 745.85 by retaining records to document that a certified renovator performed or directed workers who performed all of the work practice standards described in 40 C.F.R. § 745.85(a).

32. 40 C.F.R. § 745.86(b)(6)(i) requires a firm to document compliance with the work practice standards in 40 C.F.R. § 745.85 by retaining records to document that the certified renovator performed on-the-job training for workers used on the renovation project.

33. 40 C.F.R. § 745.86(b)(6)(viii) requires a firm to document compliance with the work practice standards in 40 C.F.R. § 745.85 by retaining records to document that the certified renovator performed the post-cleaning verification described in 40 C.F.R. § 745.85(b).

34. 40 C.F.R. § 745.86(b)(6) requires a firm to document compliance with the work practice standards in 40 C.F.R. § 745.85 by retaining a copy of a certification from the certified renovator assigned to the project certifying the requirements in 40 C.F.R. § 745.86(b)(6)(i) through (viii) were completed.

35. 40 C.F.R. § 745.81(a)(2)(ii) requires that on or after April 22, 2010, 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.

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

37. Section 16(a) of TSCA, 42 U.S.C. § 2615(a), 40 C.F.R. § 745.87(d), and 40 C.F.R. Part 19, authorize the Administrator of EPA to assess a civil penalty of up to \$37,500 per violation for each day of violation of Sections 15 and 409 of TSCA that occurred after January 9, 2009 through November 2, 2015, and up to \$38,892 per violation for each day of violation that occurred after November 2, 2015.

IV. Factual Allegations

38. Respondent is, and at all times relevant to the actions described herein was, a limited liability corporation with a place of business located at 106 Garlisch Drive, Elk Grove Village, Illinois.

39. Respondent is therefore a *firm* as defined by 40 C.F.R. § 745.83.

40. At all times relevant to the actions described herein, Respondent was not an EPA-certified firm pursuant to 40 C.F.R. § 745.89.

41. On August 14, 2019, Complainant sent Respondent a letter announcing that Complainant would conduct a compliance inspection at Respondent's place on business on September 12, 2019, and seeking, among other things, a copy of the renovator certification showing completion of an EPA accredited training course, a copy of the firm certification received by EPA, copies of all contracts and/or agreements for all renovations completed for

compensation at target housing and/or child-occupied facilities for calendar years 2017, 2018, and 2019, and copies of all acknowledgements of receipt of a pamphlet by the owners and occupants of residential housing.

42. On November 6, 2019, EPA representatives conducted a Recordkeeping Compliance Inspection (Inspection) at Respondent’s offices in order to monitor Respondent’s compliance with Sections 402, 406, and 407 of TSCA, 15 U.S.C. §§ 2682(a), 2686, and 2687.

43. During the Inspection, EPA representatives collected the records requested as described in Paragraph 41, including records for three renovations Respondent performed on target housing.

44. During the Inspection, Respondent did not provide a copy of its firm certification under 40 C.F.R. § 745.89.

45. Based on the information provided to Complainant by Respondent and building-year information publicly available on the property value assessment websites (accessed on November 18, 2020) of Chicago, Arlington Heights, and Elk Grove Village, Illinois, Respondent performed, or directed workers to perform, the following modifications of existing structures that resulted in disturbances of painted surfaces:

| Residential Property Address | Residence Type | Built Year/Age | Work Invoice Date | Description of Work |
|---|----------------|----------------|-------------------|--|
| 3221 North Pioneer Avenue, Chicago, IL 60506 | Single-Family | 1958 (62) | 10/16/2017 | Kitchen Remodel - removal of kitchen fixtures, electrical work, plumbing work, windowsill installation |
| 523 S Princeton Ave Arlington Heights, IL 60005 | Single-Family | 1970 (50) | 05/04/2018 | Installation of Gutter downspouts, reglaze 4 windows, install door, tuckpointing |

| | | | | |
|--|---------------|--------------|------------|---|
| 1532 Oregon Trail Elk Grove Village, IL 60007 | Single-Family | 1975 (45) | 08/15/2017 | Drywall installation, window replacement |
|--|---------------|--------------|------------|---|

46. At the three properties referenced in Paragraph 45, Respondent performed or directed others to perform modifications of existing structures that resulted in disturbance of painted surfaces. Respondent therefore performed renovations of those structures, as that term is defined in 40 C.F.R. § 745.83.

47. The three renovations referenced in Paragraph 45 were each performed at residential housing built prior to 1978, and therefore the residential housing was target housing as that term is defined in Section 401(17) of TSCA, 15 U.S.C. § 2681(17), and 40 C.F.R. § 745.103.

48. Each of the three properties referenced in Paragraph 45 are single family dwellings and are therefore residential dwellings as that term is defined in Section 401(14) of TSCA, 15 U.S.C. § 2681(14).

49. During the Inspection, Respondent did not provide copies of acknowledgements of receipts of the pamphlet, as that term is defined by 40 C.F.R. § 745.83, signed by the owners and occupants of the residential dwellings identified in Paragraph 45.

50. During the Inspection, Respondent did not provide copies of the records required to be kept by 40 C.F.R. § 745.86 relating to the renovations identified in Paragraph 45.

V. VIOLATIONS

Count 1: Failure to Obtain Firm Certification

51. Complainant realleges and incorporates by reference Paragraphs 38 through 50 as though fully set forth herein.

52. 40 C.F.R. § 745.81(a)(2)(ii) provides that on or after April 22, 2010, no firm may perform, offer, or claim to perform renovations without certification from EPA under 40 C.F.R. § 745.89 in target housing, unless the renovation qualifies for one of the exceptions identified in 40 C.F.R. § 745.82(a) or (c).

53. 40 C.F.R. § 745.85(a) requires that renovations must be performed by certified firms, in accordance with 40 C.F.R. § 745.89, using certified renovators in accordance with 40 C.F.R. § 745.90.

54. Respondent was not certified as a firm, under 40 C.F.R. § 745.89, when it performed the renovations described in Paragraph 45, above.

55. Respondent's renovations described in Paragraph 45, above, did not qualify for an exemption under 40 C.F.R. § 745.82(a) or (c).

56. Therefore, Respondent's failure to be certified as a firm, under 40 C.F.R. § 745.89, before performing renovations on target housing, as described in Paragraph 45, above, constitutes a violation of 40 C.F.R. § 745.81(a)(2)(ii) and Section 409 of TSCA, 15 U.S.C. § 2689.

Counts 2 to 4: Failure to obtain, from the owner, a written acknowledgment that the owner has received the pamphlet titled "Renovate Right"

57. Complainant realleges and incorporates by reference Paragraphs 38 through 50 as though fully set forth herein.

58. 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 of the unit with the pamphlet and obtain, from the owner, a written acknowledgment that the owner received the pamphlet or a certificate of mailing at least seven days prior to the renovation.

59. For each of the renovations described in paragraph 45, above, Respondent failed to obtain from the owner a written acknowledgment that the owner received the pamphlet or a certificate of mailing at least seven days prior to the renovation.

60. Respondent's failure to obtain from the owner a written acknowledgment that the owner has received the pamphlet or a certificate of mailing at least seven days prior to the renovation, at each of the three renovations described in Paragraph 45, constitutes three separate violations of 40 C.F.R. § 745.84(a)(1) and Section 409 of TSCA, 15 U.S.C. § 2689.

Count 5 to 7: Failure to Retain All Records Necessary to Demonstrate Compliance with 40 C.F.R. Part 745, Subpart E

61. Complainant realleges and incorporates by reference Paragraphs 38 through 50 as though fully set forth herein.

62. 40 C.F.R. § 745.87(b) provides that the failure or refusal to establish and maintain records or to make available or permit access to or copying of records, as required by the RRP Rule, is a violation of Section 15 and 409 of TSCA, 15 U.S.C. §§ 2614, 2689.

63. 40 C.F.R. § 745.86 provides that firms performing renovations must retain and, if requested, make available to EPA all records necessary to demonstrate compliance with 40 C.F.R. Part 745 Subpart E.

64. Pursuant to 40 C.F.R. 745.86(b)(6) records that must be retained include:
- a. Documentation of compliance with the work practice standards in 40 C.F.R. § 745.85;
 - b. Documentation that a certified renovator was assigned to the project;
 - c. Documentation that the certified renovator provided on-the-job training for workers used on the project;

- d. Documentation that the certified renovator performed or directed workers who performed all of the tasks described in 40 C.F.R. § 745.85(a); and
- e. Documentation that the certified renovator performed the post-renovation cleaning verification described in 40 C.F.R. § 745.85(b).

65. During the Inspection, EPA inspectors asked Respondent for copies of all records related to, among others, the three renovations described in Paragraph 45, above.

66. Respondent was unable to provide EPA inspectors with the records described in Paragraph 64 for any of the renovations described in Paragraph 45, above.

67. Therefore, Respondent's failure or refusal to establish and maintain records or to make available or permit access to or copying of records related to each of the three renovations described in Paragraph 45, as required by the RRP Rule, are three separate violations of 40 C.F.R. § 745.87(b) and Section 409 of TSCA, 15 U.S.C. § 2689.

* * * *

68. Therefore, Respondent committed at least seven separate violations of the RRP Rule and Section 409 of TSCA, 15 U.S.C. § 2689

VI. Civil Penalty

69. Section 16(a) of TSCA, 15 U.S.C. § 2615(a), provides that any person who violated 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 \$37,500 for each such violation. That amount has been adjusted under the Federal Civil Penalties Inflation Act of 1990, as amended, and 40 C.F.R. Part 19, to \$40,576 per violation for each violation that occurred after November 2, 2015, where penalties are assessed on or after January 13, 2020.

70. Pursuant to Section 16(a) of TSCA, 15 U.S.C. § 2615(a), Complainant determined that an appropriate civil penalty to settle this action is \$900. In determining the penalty amount, Complainant considered the nature, circumstances, extent and gravity of the violations alleged and, with respect to Respondent, 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.

71. Within 30 days after the effective date of this CAFO, Respondent must pay a \$900 civil penalty for the TSCA violations by ACH electronic funds transfer, payable to “Treasurer, United States of America,” and sent to:

US Treasury REX / Cashlink ACH Receiver
ABA: 051036706
Account Number: 310006, Environmental Protection Agency
CTX Format Transaction Code 22 – checking

72. Respondent must send a notice of payment that states Respondent’s name and the case docket number to EPA at the following addresses when it pays the penalty:

Regional Hearing Clerk (E-19J)
U.S. EPA, Region 5
77 West Jackson Boulevard
Chicago, Illinois 60604
R5hearingclerk@epa.gov

Juan Thomas (ECP-17J)
Pesticides and Toxics Compliance Section
U.S. EPA, Region 5
77 West Jackson Boulevard
Chicago, Illinois 60604
Thomas.juan@epa.gov

Andrew Futerman (C-14J)
Office of Regional Counsel
U.S. EPA, Region 5
77 West Jackson Boulevard
Chicago, Illinois 60604
Futerman.andrew@epa.gov

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

74. If Respondent does not pay timely 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). The validity, amount, and appropriateness of the civil penalty are not reviewable in a collection action.

75. Pursuant to 31 C.F.R. § 901.9, Respondent must pay the following 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.

VII. General Provisions

76. The parties consent to service of this CAFO by e-mail at the following valid e-mail addresses: Futerman.andrew@epa.gov (for Complainant) and abandza@btlaw.com (for Respondent). Respondent understands that the CAFO will become publicly available upon filing.

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

78. 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.

79. This CAFO does not affect Respondent's responsibility to comply with TSCA, 15 U.S.C. § 2601 *et seq.*, its implementing regulations, and other applicable federal, state, and local

laws.

80. Respondent certifies that it is complying with the residential property renovation regulations at 40 C.F.R. Part 745, Subpart E.

81. This CAFO constitutes a “prior such violation” as that term is used in 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 to determine Respondent’s “history of prior such violations” under Section 16(a)(2)(B) of TSCA, 15 U.S.C. § 2615(a)(2)(B).

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

83. Each person signing this agreement 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.

84. Each party agrees to bear its own costs and attorneys’ fees in this action.

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

Our Home Improvement (OH*i*), LLC, Respondent

5/19/2022
Date

Nick Kautz
Nick Kautz, Jr.
Sales and Finance Director
Our Home Improvement (OH*i*), LLC

Consent Agreement and Final Order
In the Matter of: Our Home Improvement (OHi), LLC
Docket No. TSCA-05-2022-0005

United States Environmental Protection Agency, Complainant

MICHAEL
HARRIS



Digitally signed by
MICHAEL HARRIS
Date: 2022.05.24
14:06:46 -05'00'

Michael D. Harris
Division Director
Enforcement and Compliance Assurance Division

Consent Agreement and Final Order
In the Matter of: Our Home Improvement (OHi), LLC.
Docket No. TSCA-05-2022-0005

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.

ANN COYLE Digitally signed by ANN
COYLE
Date: 2022.05.26
09:54:32 -05'00'

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

Consent Agreement and Final Order
In the Matter of: OHi, LLC
Docket Number: TSCA-05-2022-0005

CERTIFICATE OF SERVICE

I certify that I served a true and correct copy of the foregoing **Consent Agreement and Final Order**, which was filed on June 9, 2022, this day in the following manner to the addressees:

Copy by e-mail to
Attorneys of Respondent: **Mr. Alexander Bandza**
Abandza@btlaw.com

Copy by e-mail to
Attorney of Complainant: **Mr. Andrew Futerman**
Futerman.andrew@epa.gov

Copy by e-mail to
Regional Judicial Officer: **Ms. Ann Coyle**
Coyle.ann@epa.gov

Isidra Martinez
Acting Regional Hearing Clerk
U.S. Environmental Protection Agency, Region 5