



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

September 21, 2012

REPLY TO THE ATTENTION OF:

LC-8J

CERTIFIED MAIL

Receipt No.7009 1680 0000 7668 0769

Mr. Donald Scheffler and
Scheffler Painting LLC
3515 Stonewall Road.
Jackson, Michigan 49203

Consent Agreement and Final Order in the Matter of
Donald Scheffler and Scheffler Painting, LLC, Docket No. TSCA-05-2012-0022


Dear Mr. Scheffler:

I have enclosed a copy of an original fully executed Consent Agreement and Final Order in resolution of the above case. This document was filed on September 21, 2012, with the Regional Hearing Clerk.

The civil penalty in the amount of \$1,008.00 is to be paid in the manner described in paragraphs 75 and 76. Please be certain that the number **BD 2751247X024** and the docket number are written on both the transmittal letter and on the check. Payment is due by October 21, 2012, (within 30 calendar days of the filing date).

Thank you for your cooperation in resolving this matter.

Sincerely,



Leslie Blake
Pesticides and Toxic Compliance Section

Enclosures

cc: Eric Volck, Cincinnati Finance/MWD (w/Encl.)

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5**

In the Matter of:

**Donald Scheffler and
Scheffler Painting, LLC
Trenton, Michigan**

Respondents.

Docket No. TSCA-05-2012-0022

**Proceeding to Assess a Civil Penalty
Under Section 16(a) of the Toxic Substances
Control Act, 15 U.S.C. § 2615(a)**



Consent Agreement and Final Order **REGIONAL HEARING CLERK
U.S. ENVIRONMENTAL
PROTECTION AGENCY**

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 Land and Chemicals Division, U.S. Environmental Protection Agency, Region 5.

3. Respondents are Scheffler Painting LLC, a Michigan limited liability company with a place of business located at 3515 Stonewall Road, Jackson, Michigan 49203 and Donald Scheffler.

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. Respondents consent to the assessment of the civil penalty specified in this CAFO, and to the terms of this CAFO.

Jurisdiction and Waiver of Right to Hearing

7. Respondents admit the jurisdictional allegations in this CAFO and neither admit nor deny the general allegations in this CAFO.

8. Respondents waive their 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 their right to appeal this CAFO.

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 by adding Sections 401 through 412, Subchapter IV – Lead Exposure Reduction, 15 U.S.C. §§ 2681 through 2692.

11. Section 402(a) of TSCA, 15 U.S.C. § 2682(a), requires 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(c), requires EPA to promulgate regulations for conducting renovation and remodeling activities to reduce the risk of exposure to lead in connection with renovation and remodeling of target housing, public buildings built before 1978, and commercial buildings.

13. Pursuant to Section 402 of TSCA, 15 U.S.C. § 2682, EPA promulgated regulations at 40 C.F.R. Part 745, titled lead-based paint poisoning prevention in certain residential structures, prescribing procedures and requirements for the accreditation of training programs, procedures and requirements for the certification of individual and firms engaged in lead-based paint activities, and work practice standards for performing such activities. *See* 61 Fed. Reg. 45778 (August 29, 1996).

14. Pursuant to Section 402(c)(3) of TSCA, 15 U.S.C. § 2682(c)(3), EPA promulgated regulations at 40 C.F.R. Part 745, Subpart E, titled residential property renovation, prescribing procedures and requirements for renovation and remodeling activities, including the accreditation of training programs, certification of individuals and firms, and work practice standards for renovation, repair and painting activities in target housing and child-occupied facilities. *See* 73 Fed. Reg. 21691 (April 22, 2008).

15. Pursuant to Section 406(b) of TSCA, 15 U.S.C. § 2686(b), EPA promulgated regulations at 40 C.F.R. Part 745, Subpart E, requiring, among other things, that each person who performs for compensation a renovation of target housing provide a lead hazard information pamphlet to the owner and occupant of such housing prior to commencing the renovation. These requirements are known as the Pre-Renovation Education Rule (PRE Rule).

16. 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 by April 22, 2010. EPA stated that it would not take enforcement action for violations of the firm certification requirement until October 1, 2010. *See* Memorandum from Cynthia Giles, Assistant Administrator for the Office of Enforcement and Compliance Assurance, dated June 18, 2010.

17. 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.

18. 40 C.F.R. § 745.223 defines “common area” to mean a portion of a building that is generally accessible to all occupants. Such an area may include, but is not limited to, hallways, stairways, laundry and recreational rooms, playgrounds, community centers, garages, and boundary fences.

19. 40 C.F.R. § 745.83 defines “pamphlet” as the EPA pamphlet *Renovate Right: Important Lead Hazard Information for Families, Child Care Providers and Schools* 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 revision or deletion of material from the pamphlet (except for the addition or revision of state or local sources of information).

20. 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 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, ceilings, 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.

21. 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.

22. 40 C.F.R. § 745.103 defines “residential dwelling” as, among other things, a single family dwelling, including attached structures such as porches and stoops.

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 6 years of age resides or is expected to reside in such housing) or any zero-bedroom dwelling.

24. Under 40 C.F.R. § 745.81(b), on or after December 22, 2008, firms performing renovations must provide owners and occupants with the EPA pamphlet *Renovate Right: Important Lead Hazard Information for Families, Child Care Providers and Schools*.

25. 40 C.F.R. § 745.89 provides that firms that perform renovations for compensation must apply and obtain certification from EPA to perform renovations or dust sampling. *See also* 40 C.F.R. § 745.85(a).

26. 40 C.F.R. § 745.89(d)(1) provides that firms performing renovations must 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 40 C.F.R. § 745.90.

27. Under 40 C.F.R. § 745.82(a), the requirements of 40 C.F.R. Part 745, Subpart E, do not apply to renovations performed for compensation in target housing if an inspector, risk assessor or certified renovator has determined in writing that the components affected by the renovation are free of lead-based paint, as set forth in 40 C.F.R. § 745.82(a).

28. 40 C.F.R. § 745.89 provides that firms that perform renovations for compensation must apply and obtain certification from EPA to perform renovations or dust sampling. *See also* 40 C.F.R. § 745.85(a).

29. 40 C.F.R. § 745.89(d)(1) provides that firms performing renovations must 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 40 C.F.R. § 745.90.

30. 40 C.F.R. § 745.85(a)(2)(i)(D) provides that, for interior renovations, the firm must cover the floor surface, including installed carpet, with taped-down plastic sheeting or other impermeable material in the work area 6 feet beyond the perimeter of surfaces undergoing renovation or a sufficient distance to contain the dust, whichever is greater.

31. 40 C.F.R. § 745.84(a)(1) provides that the firm performing renovation in dwelling units on or after April 22, 2008, must provide the owner of the residential dwelling unit of target housing with the required pamphlet, and 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.

32. 40 C.F.R. § 745.86(a) provides that firms performing renovations must retain and, if requested, make available to EPA all records necessary to demonstrate compliance with the residential property renovation requirements at 40 C.F.R. Part 745, Subpart E, for a period of 3 years following completion of the renovation. This includes documentation that the firm complied with the work practice standards in 40 C.F.R. § 745.85, documentation that a certified renovator was assigned to the project, and documentation that the certified renovator performed or directed workers who performed the renovation activities.

33. Under Section 409 of TSCA, 15 U.S.C. § 2689, and 40 C.F.R. § 745.87, failure to comply with a provision of Subchapter IV of TSCA and its implementing regulations is unlawful, which may subject the violator to civil penalties under Section 16(a) of TSCA, 15 U.S.C. § 2615(a).

34. Section 16(a) of TSCA, 42 U.S.C. § 2615(a), and 40 C.F.R. § 745.87(d), authorize the Administrator of EPA 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 409 of TSCA, 15 U.S.C. § 2689. The Debt Collection Improvement Act of 1996, 31 U.S.C. § 3701 note (1996), and its implementing regulations at 40 C.F.R. Part 19, increased these statutory maximum penalties to \$37,500 per day of violation for violations that occurred after January 12, 2009.

General Allegations

35. On February 18, 2011, EPA received a complaint concerning renovation activities conducted by Respondents at a single-family dwelling located at 2222 18th Street, Wyandotte, Michigan (the Property).

36. On January 31, 2011, Respondents entered into a contract to conduct work at the Property.

37. The contract referenced in paragraph 36, above, specified that Respondents would paint, caulk, and patch where needed in a living and dining hall, three bedrooms, and a bath.

38. Respondents are a “firm” as defined in 40 C.F.R. § 745.223.

39. The work described in paragraph 37, above, is “renovation,” as defined at 40 C.F.R. § 745.83.

40. Respondents, and every employee of Respondents who performs or direct workers to perform renovations is a “renovator,” as defined at 40 C.F.R. § 745.83.

41. On or about January 31, 2011, Respondents began their renovations on the Property.

42. When Respondents submitted a written offer to perform the renovations in paragraph 37 for compensation, no determination had been made by an inspector, risk assessor or certified renovator that the components of the Property affected by the renovation were free of lead-based paint, as set forth in 40 C.F.R. § 745.82(a).

43. When Respondents began to perform the renovations referenced in paragraph 37 for compensation, no determination had been made by an inspector, risk assessor or certified renovator that the components of the Property affected by the renovation were free of lead-based paint, as set forth in 40 C.F.R. § 745.82(a).

44. Respondents were required to provide the owner of the Property with the pamphlet when it performed the renovations referenced in paragraph 37, above.

45. Respondents were subject to the firm certification requirements at 40 C.F.R. § 745.89 when they submitted a written offer to perform the renovations referenced in paragraph 37, above.

46. Respondents were subject to the firm certification requirements at 40 C.F.R. § 745.89 when they performed the renovations referenced in paragraph 37, above.

47. Respondents were required to perform the renovations referenced in paragraph 37, above, in accordance with the work practice standards in 40 C.F.R. § 745.85 and the associated recordkeeping requirements in 40 C.F.R. § 745.86(b)(1) and (6).

48. Respondents were required to cover the floor surface, including installed carpet, with taped-down plastic sheeting or other impermeable material in the work area six feet beyond the perimeter of surfaces undergoing renovation or a sufficient distance to contain the dust, whichever is greater, in accordance with 40 C.F.R. § 745.85(a)(2)(i)(D).

49. On June 4, 2012, EPA advised Respondents by letter that EPA was planning to file an administrative complaint against Respondents for specific alleged violations of the RRP and PRE Rules and that the complaint would seek a civil penalty. EPA asked Respondents to identify any factors Respondents thought EPA should consider before issuing the complaint. If Respondents believed there were financial factors which bore on Respondents' ability to pay a civil penalty, EPA asked Respondents to submit specific financial documents.

50. The Property was constructed before 1978, and is therefore "target housing" as defined in 40 C.F.R. § 745.103.

51. The activities Respondents conducted at the Property on or about January 31, 2011,

described in paragraph 37 above, were modifications of the building's existing structure or portions thereof that resulted in the disturbance of painted surfaces and, therefore, is a "renovation" as defined in 40 C.F.R. § 745.83.

52. Respondents either performed or directed workers to perform the renovation described in paragraph 37 above, and, therefore, is a "renovator" as defined in 40 C.F.R. § 745.83.

53. Respondents employed people to perform the renovation described in paragraph 33, above, and therefore performed a renovation for compensation within the meaning of 40 C.F.R. § 745.89.

Count 1

54. Complainant incorporates paragraphs 1 through 53 of this Complaint as if set forth in this paragraph.

55. Under 40 C.F.R. § 745.84(a)(1), no more than 60 days before beginning renovation activities in any residential dwelling unit of target housing, the firm performing the renovation must, in the case of a non-owner-occupied unit, provide the owner of the unit with the pamphlet and obtain either a written acknowledgement from the owner that the owner has received the pamphlet or a certificate of mailing at least seven days prior to the renovation.

56. When Respondents began the renovation referenced in paragraph 37, above, Respondents had not provided the owner of the Property with the pamphlet.

57. When Respondents began the renovation referenced in paragraph 37, above, Respondents had not obtained from the owner a written acknowledgement that the owner had received the pamphlet.

58. Respondents did not obtain a certificate of mailing of the pamphlet to the owner of the Property at least seven days prior beginning to the renovation referenced in paragraph 37, above.

59. Respondents' failure to provide the owner of the Property with the pamphlet and obtain from the owner either a written acknowledgement that the owner had received the pamphlet or a certificate of mailing at least seven days prior to the renovations referenced in paragraph 37, above, violates 40 C.F.R. § 745.84(a)(1) and 15 U.S.C. § 2689.

Count 2

60. Complainant incorporates paragraphs 1 through 53 of this Complaint as if set forth in this paragraph.

61. 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 three years following completion of the renovation.

62. Pursuant to 40 C.F.R. § 745.86(b)(6), records that must be retained pursuant to 40 C.F.R. § 745.86(a) include documentation of compliance with the work practice standards requirements of 40 C.F.R. § 745.85, including documentation that a certified renovator was assigned to the project, that the certified renovator provide on-the-job training for workers used on the project, that the certified renovator performed or directed workers to perform all of the tasks described in 40 C.F.R. § 745.85(a), and that the certified renovator performed the post-renovation cleaning verification described in 40 C.F.R. § 745.85(b).

63. Respondents failed to retain documentation of compliance with the work practice standards requirements of 40 C.F.R. § 745.85 for the renovation referenced in paragraph 37, above, 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 to perform all of the tasks described in 40 C.F.R. § 745.85(a), and that the certified renovator performed the post-renovation cleaning verification described in 40 C.F.R. § 745.85(b).

64. Respondents' failure to retain documentation of compliance with the work practice standards requirements of 40 C.F.R. § 745.85 for the renovation referenced in paragraph 37, above, violates 40 C.F.R. § 745.86(b)(6) and 15 U.S.C. § 2689.

Count 3

65. Complainant incorporates paragraphs 1 through 53 of this Complaint as if set forth in this paragraph.

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

67. When Respondents offered, in the form of a contract, to perform the renovations referenced in paragraph 37, above, Respondents had not applied for or received initial certification from EPA in accordance with 40 C.F.R. § 745.89(a).

68. When Respondents began the renovation referenced in paragraph 37, above, Respondents had not applied for or received initial certification from EPA pursuant to 40 C.F.R. § 745.89(a).

69. Respondents' failure to obtain from EPA an initial certification to perform renovations of target housing, before performing or offering to perform the renovation of target housing referenced in paragraph 37, above, violates 40 C.F.R. § 745.89(a) and 15 U.S.C. § 2689.

Count 4

70. Complainant incorporates paragraphs 1 through 53 of this Complaint as if set forth in this paragraph.

71. 40 C.F.R. § 745.85(a)(2)(i)(D) requires that the firm must cover the floor surface, including installed carpet, with taped-down plastic sheeting or other impermeable material in the work area 6 feet beyond the perimeter of surfaces undergoing renovation or a sufficient distance to contain the dust, whichever is greater.

72. When Respondents began the renovation activities referenced in paragraph 37, above, Respondents did not cover the floor surface, including installed carpet, with taped-down plastic sheeting or other impermeable material in the work area 6 feet beyond the perimeter of surfaces undergoing renovation or a sufficient distance to contain the dust, whichever is greater pursuant to 40 C.F.R. § 745.85(a)(2)(i)(D).

73. Respondents' failure to cover the floor surface, including installed carpet, with taped-down plastic sheeting or other impermeable material in the work area 6 feet beyond the perimeter of surfaces undergoing renovation or a sufficient distance to contain the dust, whichever is greater, for the renovation referenced in paragraph 37, above, violates 40 C.F.R. § 745.85(a)(2)(i)(D) and 15 U.S.C. § 2689.

Civil Penalty

74. 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 \$1,008. In determining the penalty amount, Complainant considered the nature, circumstances, extent and gravity of the violation or 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, and the *Pilot Renovation, Repair and Painting ("RRP") Rule Penalty Program for Micro-Businesses*, dated May 3, 2012.

75. Within 30 days after the effective date of this CAFO, Respondents must pay a \$1,008 civil penalty for the TSCA violations by sending a cashier's or certified check, payable to "Treasurer, United States of America," to:

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

The check must state the case title ("*In the Matter of: Scheffler Painting LLC et al.*"), the docket number of this CAFO, and the billing document number.

76. Respondents must send a notice of payment that states Respondents' names, complete address, the case docket number and the billing document 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

Leslie Blake (LC-8J)
Pesticides and Toxics Compliance Section
U.S. EPA, Region 5
77 West Jackson Boulevard
Chicago, Illinois 60604

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

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

78. If Respondents do 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.

79. Pursuant to 31 C.F.R. § 901.9, Respondents 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. Respondents must pay a \$15 handling charge each month that any portion of the penalty is more than 30 days past due. In addition, Respondents must pay a 6 percent per year penalty on any principal amount 90 days past due.

General Provisions

80. This CAFO resolves only Respondents' liability for federal civil penalties for the violations alleged in the CAFO.

81. 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.

82. This CAFO does not affect Respondents' responsibility to comply with TSCA, 15 U.S.C. § 2601 *et seq.*, and other applicable federal, state, and local laws.

83. Respondents certify that they are complying with Section 402 of TSCA, 15 U.S.C. 2682, and its implementing regulations at 40 C.F.R. Part 745.

84. The terms of this CAFO bind Respondents, and their successors and assigns.

85. 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.

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

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

Scheffler Painting LLC, Respondent
Donald Scheffler, Respondent

9-7-12
Date




Donald Scheffler, Owner
Scheffler Painting LLC

Date

Donald Scheffler

United States Environmental Protection Agency, Complainant

9/18/2012
Date



Margaret M. Guerriero
Director
Land and Chemicals Division

In the Matter of:
Scheffler Painting LLC and Donald Scheffler
Docket No. TSCA-05-2012-0022

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.

9-19-12

Date



Susan Hedman
Regional Administrator
United States Environmental Protection Agency
Region 5

RECEIVED
SEP 21 2012
REGIONAL HEARING CLERK
U.S. ENVIRONMENTAL
PROTECTION AGENCY


CERTIFICATE OF SERVICE

This is to certify that the original and one copy of this Consent Agreement and Final Order in the resolution of the civil administrative action involving Donald Scheffler and Scheffler Painting, LLC, was filed on September 7, 2012, with the Regional Hearing Clerk (E-19J), U.S. EPA, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, and that a true correct copy was sent by Certified Mail, Receipt No. 7009 1680 0000 7668 0769 to:

Mr. Donald Scheffler and
Scheffler Painting LLC
3515 Stonewall Road.
Jackson, Michigan 49203

and forwarded intra-Agency copies to:

Ann Coyle, Regional Judicial Officer, ORC/C-14J
Luis Oviedo, Counsel for Complainant/C-14J
Eric Volck, Cincinnati Finance/MWD


Frederick Brown, PTCS (LC-8J)
U.S. EPA - Region 5
77 West Jackson Boulevard
Chicago, Illinois 60604

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