

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION I

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CLERK

IN THE MATTER OF:)

DIOSA INVESTMENTS, L.L.C.)
HALA INVESTMENTS, L.L.C.)
FERNANDO HILARION)
414 Union Street)
Manchester, New Hampshire 03103)

Respondents.)

Proceeding under Section 16(a) of the)
of the Toxic Substances Control Act,)
15 U.S.C. § 2615(a).)
_____)

Docket Number:
TSCA-01-2008-0101

CONSENT AGREEMENT AND FINAL ORDER

Complainant, the United States Environmental Protection Agency (“EPA”), having filed the Complaint herein on September 17, 2008 against Diosa Investments, L.L.C.; Hala Investments, L.L.C.; and Fernando Hilarion (“Respondents”); and

Complainant and Respondents having agreed that settlement of this matter is in the public interest, and that entry of this Consent Agreement and Final Order without further litigation is the most appropriate means of resolving this matter;

NOW, THEREFORE, before the taking of any testimony, upon the pleadings, without adjudication of any issue of fact or law, and upon consent and agreement of the Parties, it is hereby Ordered and Adjudged as follows:

I. PRELIMINARY STATEMENT

1. EPA initiated this proceeding for the assessment of a civil penalty, pursuant to Section 16(a) of the Toxic Substance Control Act (“TSCA”), 15 U.S.C. § 1615(a).
2. The Complaint alleges that Respondents violated Section 409 of TSCA, 15 U.S.C. § 2689, the Residential Lead-Based Paint Hazard Reduction Act (“RLBPHRA”), 42 U.S.C. § 4851 *et seq.*, and the regulations promulgated thereunder, 40 C.F.R. Part 745, Subpart F (“Disclosure Rule”).
3. Respondents moved for and received an extension of time to file an Answer and have not filed an Answer.
4. This Consent Agreement and Final Order shall apply to and be binding upon Respondents and their successors and assigns.
5. Respondents stipulate that EPA has jurisdiction over the subject matter alleged in the Complaint and that the Complaint states a claim upon which relief can be granted against Respondents. Respondents waive any defenses they might have as to jurisdiction and venue, and, without admitting or denying the factual allegations contained in the Complaint, consent to the terms of this Consent Agreement and Final Order.
6. Respondents hereby waive their right to a judicial or administrative hearing or appeal on any issue of law or fact set forth in the Complaint, waive their right to appeal the Final Order accompanying this Consent Agreement, and waive any right to seek attorneys’ fees under the Equal Access to Justice Act, 5 U.S.C. § 504.

II. TERMS OF SETTLEMENT

7. Respondents certify that they are in compliance with all applicable requirements of RLBRHRA, TSCA and the Disclosure Rule.
8. Based upon the nature of the violations, Respondents' agreement to perform a Supplemental Environmental Project ("SEP"), and other relevant factors, EPA has determined that an appropriate civil penalty to settle this action is in the amount of Three Thousand One Hundred Twenty-Nine dollars (\$3,129).
9. Respondents consent to the issuance of this Consent Agreement and Final Order and consent, for the purposes of settlement, to the payment of the civil penalty cited in the foregoing paragraph and to the performance of the SEP.
10. Not more than thirty (30) days after the date of issuance of the executed Final Order signed by the Regional Judicial Officer, Respondents shall submit a cashier's or certified check, payable to the order of the "Treasurer, United States of America," which check shall reference the title and docket number (TSCA-01-2008-0101) of this TSCA Consent Agreement and Final Order, in the amount of Three Thousand One Hundred Twenty-Nine dollars (\$3,129) to:

U.S. Environmental Protection Agency
Fines and Penalties
P.O. Box 979077
St. Louis, MO 63197-9000

In addition, at the time of payment, notice of payment of the civil penalty and copies of the check shall be forwarded to:

Ms. Wanda Santiago
Regional Hearing Clerk
U.S. Environmental Protection Agency, Region 1
One Congress Street, Suite 1100 (Mail Code: RAA)
Boston, Massachusetts 02114-2023

and

John W. Kilborn
Senior Enforcement Counsel
U.S. Environmental Protection Agency, Region 1
One Congress Street, Suite 1100 (Mail Code: SES)
Boston, Massachusetts 02114-2023

Pursuant to TSCA Sections 31 U.S.C. §§ 3717 and 16(a)(4), EPA is entitled to assess interest and penalties on debts owed to the United States and a charge to cover the cost of processing and handling a delinquent claim. Interest will therefore begin to accrue on a civil or stipulated penalty if it is not paid by the last date required. Interest will be assessed at the rate of the United States Treasury tax and loan rate in accordance with 31 C.F.R. § 901.9(b)(2). A charge will be assessed to cover the costs of debt collection, including processing and handling costs and attorneys' fees. In addition, a non-payment penalty charge of six (6) percent per year compounded annually will be assessed on any portion of the debt which remains delinquent more than ninety (90) days after payment is due. Any such non-payment penalty charge on the debt will accrue from the date the penalty payment becomes due and is not paid. 31 C.F.R. § 901.9(d).

11. The penalty specified in paragraph 8 above, shall represent civil penalties assessed by EPA and shall not be deductible for purposes of Federal taxes.

12. Description of the SEP

a. Respondents shall complete the following SEP, which the parties agree is intended to secure significant environmental or public health protection and improvements. Pursuant to the SEP, Respondents shall abate lead-based paint hazards identified in three units (and associated common and/or exterior areas) of residential housing located in Manchester, New Hampshire, pursuant to a detailed schedule contained in Appendix A (“Scope of Work”). The SEP shall be completed within one-year of the effective date of this Consent Agreement and Final Order.

b. Respondents shall complete the SEP pursuant to the terms and schedule set forth in the Scope of Work.

13. The total expenditure for the SEP shall be not less than \$28,164, in accordance with the specifications set forth in the Scope of Work. Respondents shall include documentation of the expenditures made in connection with the SEP as part of the SEP Completion Report.

14. Respondents hereby certify that, as of the date of this Consent Agreement, Respondents are not required to perform or develop the SEP by any federal, state or local law or regulation, nor are Respondents required to perform or develop the SEP under any grant or agreement with any governmental or private entity, as injunctive relief in this or any other case, or in compliance with state or local requirements. Respondents further certify that Respondents have not received, and are not presently negotiating to receive, credit in any other enforcement action for the SEP and that they will not receive any federal, state, or local aid, tax deduction or credit, grant money or loan forgiveness to implement the SEP.

15. SEP Reports

- a. Respondents shall submit a SEP Completion Report to EPA by one-year of the Effective Date of this CAFO. The SEP Completion Report shall contain the information required by Paragraph 6 of Appendix A (Scope of Work).
- b. Respondents shall submit any additional reports required by the Scope of Work to EPA in accordance with the schedule and requirements recited therein.
- c. Respondents agree that failure to complete the work described above in Paragraphs 12 and 13 and in the SOW or to submit the SEP Completion Report or any Periodic Report required by subsections a. and b. above shall be deemed a violation of this Consent Agreement and Final Order and Respondents shall become liable for stipulated penalties pursuant to paragraph 19 below.
- d. Respondents shall submit all notices and reports required by this Consent Agreement and Final Order by first class mail to John W. Kilborn at the address specified in paragraph 10 with a copy to Jeff Norcross, U.S. Environmental Protection Agency Region 1, One Congress Street, Suite 1100 (Mail Code SEL), Boston, MA 02114-2023.
- e. In itemizing their costs in the SEP Completion Report, Respondents shall clearly identify and provide acceptable documentation for all eligible SEP costs. Where the SEP Completion Report includes costs not eligible for SEP credit, those costs must be clearly identified as such. For purposes of this Paragraph, “acceptable documentation” includes invoices, purchase orders, or other documentation that specifically identifies and itemizes the individual costs of the goods and/or services for which payment is being made. Canceled drafts

do not constitute acceptable documentation unless such drafts specifically identify and itemize the individual costs of the goods and/or services for which payment is being made.

16. Respondents agree that EPA may inspect Respondents' properties at any time in order to confirm that the SEP is being undertaken in conformity with the representations made herein.

17. Respondents shall maintain legible copies of documentation of the underlying research and data for any and all documents or reports submitted to EPA pursuant to this Consent Agreement and shall provide the documentation of any such underlying research and data to EPA not more than seven days after a request for such information. In all documents or reports, including, without limitation, any SEP reports, submitted to EPA pursuant to this Consent Agreement, Respondents shall sign and certify under penalty of law that the information contained in such document or report is true, accurate, and not misleading by signing the following statement:

I certify under penalty of law that I have examined and am familiar with the information submitted in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment.

18. **EPA Acceptance of SEP Report**

a. After receipt of the SEP Completion Report described in paragraph 15.a above, EPA will notify the Respondents, in writing: (i) identifying any deficiencies in the SEP Completion Report itself and granting Respondents an additional thirty (30) days to correct any deficiencies; or (ii) indicating that the project has been completed satisfactorily; or (iii)

determining that the project has not been completed satisfactorily and seeking stipulated penalties in accordance with paragraph 19 herein.

b. If EPA elects to exercise option (i) above, i.e., if the SEP Completion Report is determined to be deficient but EPA has not yet made a final determination about the adequacy of SEP completion itself, Respondents may correct the deficiencies within thirty (30) days or object in writing to the notification of deficiency given pursuant to this paragraph within ten (10) days of receipt of such notification. EPA and Respondents shall have an additional thirty (30) days from the receipt by EPA of the notification of objection to reach agreement on changes necessary to the SEP Report. If agreement cannot be reached on any such issue within this thirty (30) day period, EPA shall provide a written statement of its decision on the adequacy of the completion of the SEP to Respondents, which decision shall be final and binding upon Respondents. Respondents agree to comply with any requirements imposed by EPA as a result of any failure to comply with the terms of this Consent Agreement and Order. In the event the SEP is not completed as contemplated herein, as determined by EPA, stipulated penalties shall be due and payable by Respondents to EPA in accordance with paragraph 19 herein.

19. Stipulated Penalties

a. In the event that Respondents fail to comply with any of the terms or provisions of this Agreement relating to payment of the penalty, the performance of the SEP described in paragraph 12 above and the SOW, and/or to the extent that the actual expenditures for the SEP do not equal or exceed the cost of the SEP described in paragraph 13 above, Respondents shall be liable for stipulated penalties according to the provisions set forth below:

- (i) If Respondents fail to pay the penalty amount specified in paragraphs 8 and 10 above by the date required in paragraph 10 above, Respondents shall pay stipulated penalties in the amount of \$500 per day until payment is received by EPA.
- (ii) Except as provided in subparagraph (iii) immediately below, for a SEP that has not been completed satisfactorily pursuant to this Consent Agreement and Order, Respondents shall pay a stipulated penalty to the United States in the amount of \$28,164.
- (iii) If the SEP is not completed in accordance with paragraph 12, but the Complainant determines that the Respondents: (a) made good faith and timely efforts to complete the project; and (b) certify, with supporting documentation, that at least 90 percent of the amount of money which was required to be spent was expended on the SEP (that is, \$25,348), Respondents shall not be liable for any stipulated penalty.
- (iv) If the SEP is completed in accordance with paragraph 12, but the Respondents spent less than 90 percent of the amount of money required to be spent for the project, Respondents shall pay a stipulated penalty to the United States in an amount that is equal to the difference between \$28,164 (the amount required to be spent on the SEP) and the amount actually spent on the SEP, plus interest from the effective date of this Consent Agreement and Order.
- (v) If the SEP is completed in accordance with paragraph 12, and the Respondents spent at least 90 percent of the amount of money required to be spent for the project, Respondents shall not be liable for any stipulated penalty.

(vi) For failure to submit the SEP Completion Report required by paragraph 15(a) above, Respondents shall pay a stipulated penalty in the amount of \$200 per day for each day after the report was originally due until the report is submitted.

(vii) For failure to submit any other report required by paragraph 15(b) above, Respondents shall pay a stipulated penalty in the amount of \$200 per day for each day after the report was originally due until the report is submitted.

b. The determinations of whether the SEP has been satisfactorily completed and whether the Respondents have made a good faith, timely effort to implement the SEP shall be in the sole discretion of EPA.

c. Stipulated penalties for subparagraphs (i), (vi), and (vii) above shall begin to accrue on the day after performance is due, and shall continue to accrue through the final day of the completion of the activity.

d. Respondents shall pay stipulated penalties not more than fifteen (15) days after receipt of written demand by EPA for such penalties. Method of payment shall be in accordance with the provisions of paragraph 10 above. Interest and late charges shall be paid as stated in paragraph 10 herein.

e. Nothing in this agreement shall be construed as prohibiting, altering or in any way limiting the ability of EPA to seek any other remedies or sanctions available by virtue of Respondents' violation of this agreement or of the statutes and regulations upon which this agreement is based, or for Respondents' violation of any applicable provision of law.

20. Any public statement, oral or written, in print, film, or other media, made by Respondents making reference to the SEP shall include the following language, "This project was undertaken

in connection with the settlement of an enforcement action taken by the U.S. Environmental Protection Agency for violations of the Residential Lead Based Paint Hazard Reduction Act, the Toxic Substances Control Act, and the Disclosure Rule.”

21. This Consent Agreement and Final Order shall not relieve Respondents of their obligation to comply with all applicable provisions of federal, state or local law, nor shall it be construed to be a ruling on, or determination of, any issue related to any federal, state or local permit, nor shall it be construed to constitute EPA approval of the equipment or technology installed by Respondents in connection with the SEP undertaken pursuant to this Agreement.

22. For Federal income tax purposes, Respondents agree that they will neither capitalize into inventory or basis nor deduct any costs or expenditures incurred in performing the SEP. In addition, Respondents hereby agree that, within thirty (30) days of the date it submits its Federal tax reports for the calendar year in which the above-identified SEP is completed, it will submit to EPA certification that any funds expended in the performance of the SEP have not been deducted from Federal taxes.

23. This Consent Agreement and Final Order constitutes a settlement by EPA of all claims for civil penalties pursuant to Section 16(a) of TSCA, 15 U.S.C. § 2615(a), for the violations alleged in the Complaint. Complainant reserves any rights and remedies available to it to enforce the provisions of this Consent Agreement, the RLBPHRA, TSCA, and the Disclosure Rule. Nothing in this Consent Agreement and Final Order is intended to nor shall be construed to operate in any way to resolve any criminal liability of the Respondents. Nothing in the Consent Agreement and Final Order shall be construed to limit the authority of the United States

to undertake any action against Respondents in response to conditions that may present an imminent and substantial endangerment to the public health, welfare, or the environment.

24. Each undersigned representative of the parties to this Consent Agreement certifies that he or she is fully authorized by the party represented to enter into the terms and conditions of this Consent Agreement and to execute and legally bind that party to it.

25. Each party shall bear its own costs and attorneys fees in connection with the action resolved by this Consent Agreement and Final Order.

26. The Effective Date hereof and of the attached Scope of Work shall be the date that this Consent Agreement and Final Order is filed with the Regional Hearing Clerk.

FOR COMPLAINANT:

 Sam Silverman, acting for

Susan Studlien

Director

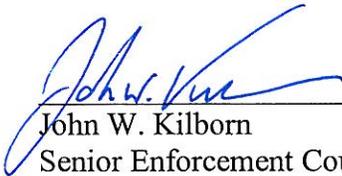
Office of Environmental Stewardship

U.S. Environmental Protection Agency, Region 1

One Congress Street

Boston, Massachusetts 02114

4-17-09
Date

 _____

John W. Kilborn

Senior Enforcement Counsel

U.S. Environmental Protection Agency, Region 1

One Congress Street (Mail Code SES)

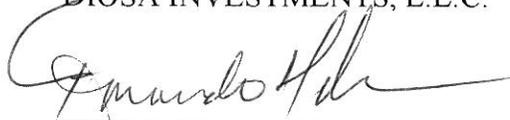
Boston, Massachusetts 02114

(617) 918-1893

04/15/2009
Date

FOR RESPONDENTS:

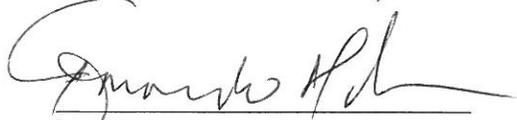
DIOSA INVESTMENTS, L.L.C.



Name:
Title: *Manager*

3/31/09
Date

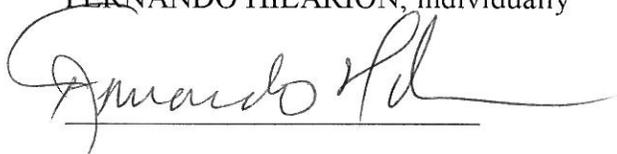
HALA INVESTMENTS, L.L.C.



Name:
Title: *manager*

3/31/09
Date

FERNANDO HILARION, individually



3/31/09
Date

III. ORDER

The foregoing Consent Agreement is hereby approved and incorporated by reference into this Order. The Respondents are hereby ordered to comply with the terms of the above Consent Agreement, effective upon the filing of this Consent Agreement and Final Order with the Regional Hearing Clerk.

Date: 4-21-09



Leann Jensen
Acting Regional Judicial Officer
U.S. Environmental Protection Agency Region I.

**APPENDIX A – SCOPE OF WORK FOR
SUPPLEMENTAL ENVIRONMENTAL PROJECT**

In the Matter of Diosa Investments, LLC, et al., Docket No. TSCA-01-2008-0101

1. **Description of Project:** Pursuant to this Scope of Work (“SOW”) for Supplemental Environmental Project (“SEP”), Respondents shall spend \$28,164 over a one year period abating the lead-based paint hazards identified in the following documents (collectively, “Inspection Reports”), which are attached hereto as Exhibit 1:

- *Partial Lead Inspection & Risk Assessment Report* for 336 Union Street, 3rd Floor Unit, Manchester, NH, prepared by Martin Wood, dated February 17, 2009;
- *Partial Lead Inspection & Risk Assessment Report* for 44 Old Falls Road, Manchester, NH, prepared by Martin Wood, dated February 17, 2009; and
- *Partial Lead Inspection & Risk Assessment Report* for 239 Central Street, Unit 1L, Manchester, NH, prepared by Martin Wood, dated February 17, 2009.

This SEP SOW requires that Respondents obtain clearance from a certified inspector or risk assessor that all lead-based paint hazards identified in the Inspection Reports have been abated. The SEP credit is contingent upon Respondents obtaining clearance for all work performed as part of this SEP. Respondents may include the cost of the Inspection Reports and the cost of the clearance inspection in the cost of the SEP. Respondents shall complete the SEP within one year from the Effective Date of the Consent Agreement and Final Order.

If Respondents spend less than \$28,164 abating all lead-based paint hazards identified in the Inspection Reports, Respondents shall replace interior and exterior components presumed to contain lead-based paint at 50 Old Falls Road, Manchester, NH. The components that will be replaced include: windows, doors, door jambs, window trim, stair components, baseboards, exterior porches, stairs and railings and other exterior woodwork. Respondents shall not commence any work on 50 Old Falls Road until they have (i) completed the abatement of the lead-based paint hazards identified in the Inspection Reports, (ii) submitted a report documenting that a post-abatement clearance inspection (as described below in Paragraph 2.e) has demonstrated that all such hazards have been abated and that the units have passed clearance, and (iii) EPA has approved such clearance report in writing.

This SEP is intended to yield significant environmental or public health benefits and is beyond the scope of existing law. Lead-based paint present on old (pre-1978) interior housing components is known to be a primary contributor to lead poisonings since this paint can be the source of lead-containing dust or paint chips that can be ingested. The replacement or enclosure of interior surfaces and components finished with lead-based paint can help reduce the risk of lead poisonings. Lead-based paint present on old (pre-1978) exterior surfaces may also contribute to lead poisonings, particularly as a source of lead contamination in soils located in the vicinity of housing with such exterior surfaces. The properties listed above were built in the early 1900s.

Accordingly, the replacement or enclosure of interior and exterior painted surfaces at these properties can help reduce the risk of lead poisonings.

2. ***Standard of Care:*** All abatement work must be performed in accordance with the New Hampshire Lead Poisoning Prevention and Control Rules (“Rules”), Chapter He-P 1600, which are consistent with the work practice standards for conducting lead-based paint activities at 40 C.F.R. § 745.227 and the United States Department of Housing and Urban Development Guidelines for Evaluation and Control of Lead-Based Paint Hazards in Housing (June 1995, as revised in 1997), including, but not limited to, the following sections of the Rules:

- a. ***Lead-Safe Work Practices:*** All work described in this Scope of Work must be performed or supervised by a New Hampshire-licensed lead abatement contractor in accordance with Section He-P 1605.03 of the Rules. Alternatively, these projects may be performed or supervised by a person who receives a variance from the provisions of Section He-P 1605.03 pursuant to Section He-P 1613.04 of the Rules.
- b. ***Abatement Methods:*** All abatement of lead-based painted surfaces shall be accomplished using the following methods: replacement of components with components free of lead-based substances; reversal of component parts or enclosure of surfaces containing lead. Respondents shall have discretion to choose which abatement method(s) to employ, in consultation with a New Hampshire-licensed lead abatement contractor. All abatement work must be performed in accordance with Section He-P 1605.08 of the Rules.
- c. ***Preparation of Work Areas:*** Prior to commencing all abatement work, Respondents or their agents must prepare the work areas in accordance with Sections He-P 1605.10 and 1605.11 of the Rules. The units shall be unoccupied while work is being conducted.
- d. ***Cleanup Requirements and Waste Disposal:*** Respondents or their agents must ensure that all work areas and other areas where lead dust or lead contaminated materials are present are cleaned up in accordance with Section He-P 1605.12 of the Rules and that all wastes generated by the abatement activities are disposed of in accordance with Section He-P 1605.14 of the Rules.
- e. ***Clearance Inspections:*** Following completion of the abatement projects, Respondents shall hire a New Hampshire-licensed inspector or New Hampshire-licensed risk assessor to perform post-abatement clearance inspections in accordance with Section He-P 1605.15 of the Rules (including dust sample collection in accordance with Section He-P 1608.04(b) and (c) of the Rules).
- f. ***Dust Sample Analysis:*** The results of the analysis for all dust wipe samples shall meet the clearance standards set forth at Section He-P 1605.15(i) of the Rules. If any dust sample exceeds the clearance standards set forth at Section He-P 1605.15(i) of the Rule, Respondent shall carry out the cleaning and sampling requirements set forth in Sections He-P 1605.15(j)(2) and (3) of the Rules. Respondent shall repeat such cleaning and sampling

requirements set forth in He-P 1605.15(j)(2) and (3) until all samples meet the clearance standards set forth at Section He-P 1605.15(i) of the Rules.

- g. *Re-Occupancy*: All rental units where abatement work is performed shall not be re-occupied until a clearance inspection conducted pursuant to He-P 1605.15 determines that no lead exposure hazards remain and dust wipe sample results meet clearance standards pursuant to He-P 1605.15(i)(1).

3. Pursuant to EPA's Pre-Renovation Education Rule, 40 C.F.R. Part 745, Subpart E, Respondents shall provide advanced notice of all abatement work and, prior to initiating the work, provide a copy of EPA's lead hazard information pamphlet titled *Protect Your Family from Lead in Your Home* to tenants who occupy apartments in the properties where abatement work will be performed.

4. Respondents shall complete the SEP on the following schedule:

- a. Within 195 days from the Effective Date of the Consent Agreement and Final Order ("CAFO"), Respondent shall submit to EPA a semi-annual progress report, which shall contain the information specified in Paragraph 5 below.
- b. Within 395 days from the Effective Date of the CAFO, or within 30 days of completing the SEP, whichever date is earlier, Respondent shall submit the SEP Completion Report, containing the information specified in Paragraph 6 below.

5. The semi-annual progress report required by Subparagraph 4(a) above shall contain the following information:

- a. A summary of the lead-based paint abatement activities completed during that six month period;
- b. A summary of the SEP costs incurred during that six month period, with itemized costs (documentation of these costs shall be provided at the end of the project, when Respondents submit their SEP Completion Report); and,
- c. Copies of all inspection and clearance sampling reports for that six-month period, providing inspection and clearance sampling locations, inspection and clearance sampling results, and documentation of analytical quality assurance/quality control.
- d. Copies of notices provided to tenants pursuant to 40 CFR Part 745, Subpart E.

6. The SEP Completion Report required by Subparagraph 4(b) above shall contain the following information:

- a. Description of the lead-based paint abatement activities completed, including representative photographs;
- b. All inspection or clearance sampling reports and data not already submitted in the semi-annual progress report;

- c. Itemized costs of goods and services used to complete the lead-based paint abatement activities, documented by copies of invoices, purchase orders, or cancelled checks that specifically identify and itemize the individual costs of the goods and services;
- d. Itemized costs of goods and services used to complete the lead inspections and clearance sampling, documented by copies of invoices or cancelled checks that specifically identify and itemize the costs of the services;
- e. Certification that the individuals who performed the SEP and clearance sampling are authorized to perform such work in accordance with New Hampshire law;
- f. Certification that the Respondents have completed the SEP in compliance with this CAFO;
- g. A statement that no federal or state tax returns filed or to be filed by Respondents have contained or will contain deductions or depreciations for any expense associated with the SEP;
- h. A statement that Respondents have not and will not seek rebates for any window purchases pursuant to any utility's energy-efficiency program; and
- i. A description of any operating problems encountered and the solutions thereto.
- j. Copies of notices provided to tenants pursuant to 40 CFR Part 745, Subpart E, during the prior six month period.

In itemizing their costs in the SEP Completion Report, Respondents shall clearly identify and provide acceptable documentation for all eligible SEP costs. Where the SEP Completion Report includes costs not eligible for SEP credit, those costs must be clearly identified as such. For purposes of this paragraph, "acceptable documentation" includes, without limitation, invoices, purchase orders, or other documentation that specifically identifies and itemizes the individual costs of the goods and/or services for which payment is being made. Canceled drafts do not constitute acceptable documentation unless such drafts specifically identify and itemize the individual costs of the goods and/or services for which payment is being made.

7. All reports submitted by Respondents must contain the certification language provided in Paragraph 17 of the CAFO.

8. The completion of the SEP projects discussed in this Scope of Work shall not relieve Respondents of their obligation to comply with all applicable provisions of federal, state or local law.

Partial Lead Inspection & Risk Assessment Report

Property Inspected:
 336 Union Street, 3rd floor unit
 Manchester, NH 03103

Inspection Date:
 2/12/2009

Property Owner:
 Ferrando Hilarian
 414 Union Street,
 Manchester, NH 03103
 603-283-7399

Prepared for:
 Ferrando Hilarian
 414 Union Street
 Manchester, NH 03103
 Phone: 603-283-7399
 Email: hilarion@hotmail.com

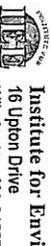
Prepared by:
 Martin Wood
 Institute for Environmental Education
 16 Upton Drive
 Wilmington, MA 01887
 978-658-5272
 Report Date:
 2/17/2008



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Lead Inspection/Risk Assessment Report



Institute for Environmental Education
 16 Upton Drive
 Wilmington, MA 01887
 978-656-5272

Page 1 Of 2
 Method Used: X-Ray Fluorescence
 Model: XLF 200A Serial #: 14838

Property Street Address: 336 Union Street Apt # 3rd floor
 City: Manchester State: NH Zip Code: 03103

Owner Name: Fernando Hilarian
 Owner Address: 414 Union Street, Manchester, NH 03103
 Owner Telephone: 603-283-7399
 Client Name (if different from owner): Fernando Hilarian, D. Hilarian@hotmail.com
 Client Address: 414 Union Street, Manchester, NH 03103

Key:
 Alum = Aluminium
 CAP = Carpet
 CAR = Carpet
 C/A = Chewable/Accessible
 COV = Covered
 FI = Friction/Impacted
 INT = Inlet

Full Inspection?: No
 Date of Construction: Unknown
 Description: The property inspected was the 3rd floor unit of a 5-family residence with 3 bedrooms

Pre-Cal
 Post-Cal

TYPE OF HAZARD: Not all lead paint is a lead hazard. This column tells you IF and WHY a surface needs abatement.

- Identifying FI and CA hazards were not part of the scope of work for this project.
- "FI" means that the surface is a subject to abrasion or friction or subject to damage by repeated impact
- "CA" means that the surface is "chewable accessible" and is a horizontal surface that protrude more than 1/2 inch and are located more than 6 inches but less than 4 feet from the floor or ground
- "L" means that the surface is loose, peeling, chipping, chalking, or cracking, damaged or deteriorated
- "NA" means the surface could not be visually inspected to determine if the surface is a lead hazard. This is typically due to access being blocked by occupant belongings during the inspection. The contractor should determine whether these surfaces are a lead hazard, and control them accordingly. The inspector will check these surfaces during the clearance inspection.

CONDITION: The condition refers to the condition of the painted surface at the time of the lead inspection. Only lead surfaces which are deteriorated or loose, are accessed as fair or poor:
 F = Fair, P = Poor

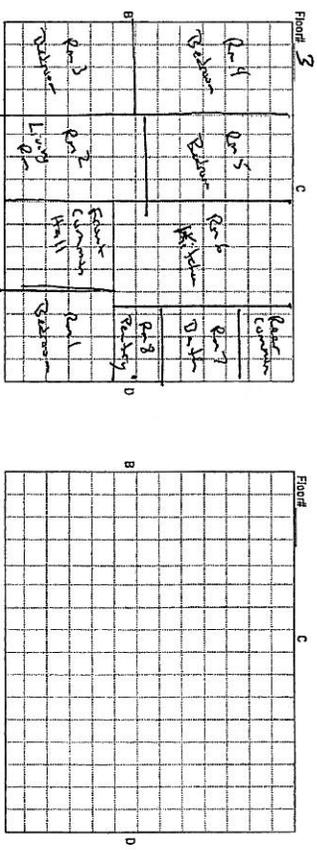
Fair means there is deteriorated paint but it is less than or equal to 10 square feet on exterior components, 2 square feet on large interior surfaces, and 10% of total surface area of smaller components.
Poor means the amount of deteriorated paint is more than 10 square feet on exterior components, 2 square feet on large interior surfaces, and 10% of total surface area of smaller components.

XRF Testing Results and Lead Paint Hazards

NOTE: This report lists the results for all surfaces identified and/or tested as part of the lead inspection. This includes surfaces that are not lead paint, as well as surfaces that contain lead paint, but are not hazards at the time of the inspection. All surfaces which contain a dangerous level of lead in paint and are not lead hazards at the time of the lead inspection, may become a hazard if their condition or use changes. These surfaces should be checked periodically to ensure that they do not become lead hazards.

There are surfaces omitted from the lead inspection due to not being visible, or accessible to the lead inspector, or not being included in the scope of work. Any surface not listed on the lead inspection report should be assumed to contain lead, and considered a lead hazard, as applicable, for hazard control purposes.

Surfaces with defective paint listed in this will have the "L" circled in the "Type of Hazard" column. These surfaces are considered lead paint hazards.



Pb (lead) equal to or greater than 1.0 mg/cm² with x-ray fluorescence is Potential Lead Hazard.

Inspection Date: 2/12/2009
 Lead Hazards? Yes (Y or N) No
 Risk Assessor (print): Martin Wood
 Signature: [Signature]
 License #: RA-000228

ROOM	LOCATIONS	COLOR	SUBST	LEAD	TYPE OF HAZARD	CONDI-TION	COMMENTS	Haz Red Date	Haz Red Method	Hazard Reduction Comment
3	Up walls	W	5	0.0	FI CA L	NA	F/P			
	Up walls	W	5	0.0	FI CA L	NA	F/P			
	Up walls	W	5	0.0	FI CA L	NA	F/P			
	Up walls	W	5	0.0	FI CA L	NA	F/P			
	Up walls	W	5	0.0	FI CA L	NA	F/P			
	Chair rail	W	5	0.0	FI CA L	NA	F/P			
	Low walls	W	5	0.0	FI CA L	NA	F/P			
	Low walls	W	5	0.0	FI CA L	NA	F/P			
	Low walls	W	5	0.0	FI CA L	NA	F/P			
	Low walls	W	5	0.0	FI CA L	NA	F/P			
4	Basements	W	5	0.0	FI CA L	NA	F/P			
	Basements	W	5	0.0	FI CA L	NA	F/P			
	Basements	W	5	0.0	FI CA L	NA	F/P			
	Basements	W	5	0.0	FI CA L	NA	F/P			
	Basements	W	5	0.0	FI CA L	NA	F/P			
	Basements	W	5	0.0	FI CA L	NA	F/P			
	Basements	W	5	0.0	FI CA L	NA	F/P			
	Basements	W	5	0.0	FI CA L	NA	F/P			
	Basements	W	5	0.0	FI CA L	NA	F/P			
	Basements	W	5	0.0	FI CA L	NA	F/P			

Substrate: M-Metal, S-Sheetrock, C-Concrete, P-Plaster, W-Wood, V-Vinyl
 Color: W-White, B-Beige, P-Pink, Y-Yellow, BL-Blue, BK-Black, BR-Brown, G-Green, R-Red, NC-No Coating, S-Stain, GR-Grey, WP-Wallpaper
 Type of Hazard: L-Loose, peeling, chipping, cracking paint; FI-Friction or Impact; CA-Chewable accessible horizontal surfaces

ROOM	LOCATIONS	COLOR	SUBST	LEAD	TYPE OF HAZARD	CONDI-TION	COMMENTS	Haz Red Date	Haz Red Method	Hazard Reduction Comment
4	Up walls	W	5	0.0	FI CA L	NA	F/P			
	Up walls	W	5	0.0	FI CA L	NA	F/P			
	Up walls	W	5	0.0	FI CA L	NA	F/P			
	Up walls	W	5	0.0	FI CA L	NA	F/P			
	Up walls	W	5	0.0	FI CA L	NA	F/P			
	Chair rail	W	5	0.0	FI CA L	NA	F/P			
	Low walls	W	5	0.0	FI CA L	NA	F/P			
	Low walls	W	5	0.0	FI CA L	NA	F/P			
	Low walls	W	5	0.0	FI CA L	NA	F/P			
	Low walls	W	5	0.0	FI CA L	NA	F/P			
5	Basements	W	5	0.0	FI CA L	NA	F/P			
	Basements	W	5	0.0	FI CA L	NA	F/P			
	Basements	W	5	0.0	FI CA L	NA	F/P			
	Basements	W	5	0.0	FI CA L	NA	F/P			
	Basements	W	5	0.0	FI CA L	NA	F/P			
	Basements	W	5	0.0	FI CA L	NA	F/P			
	Basements	W	5	0.0	FI CA L	NA	F/P			
	Basements	W	5	0.0	FI CA L	NA	F/P			
	Basements	W	5	0.0	FI CA L	NA	F/P			
	Basements	W	5	0.0	FI CA L	NA	F/P			

Substrate: M-Metal, S-Sheetrock, C-Concrete, P-Plaster, W-Wood, V-Vinyl
 Color: W-White, B-Beige, P-Pink, Y-Yellow, BL-Blue, BK-Black, BR-Brown, G-Green, R-Red, NC-No Coating, S-Stain, GR-Grey, WP-Wallpaper
 Type of Hazard: L-Loose, peeling, chipping, cracking paint; FI-Friction or Impact; CA-Chewable accessible horizontal surfaces

There is a lead exposure hazard when lead levels exceed the following limits in dust wipe samples:

- >= 40 ug/R² Floors
- >= 250 ug/R² Window Sills
- >= 400 ug/R² Window Wells

Building Component Type (EPA Definition):

A building component type includes: walls, ceilings, chair rail, doors, windows,

Substrate

The substrate is the material underneath the paint. There are six types: brick, concrete, drywall, metal, plaster, or wood.

Room Equivalent:

A room equivalent is an identifiable part of a residence, such as a room, a house exterior, a foyer, staircase, hallway, or an exterior area (exterior areas contain items such as play areas, painted swimming sets, painted sandboxes, etc.)

Full Lead Inspection (NH Definition) – A surface-by-surface investigation to determine the presence of lead-based paint. A report is then issued that identifies if there is lead-based paint present and where it is located.

Testing Protocol:

The following steps are taken by a licensed lead inspector to conduct an accurate lead inspection:

1. Draw a floor plan for the property.
2. Calibrate the XRF
3. List all painted testing combinations by room equivalent including the color and substrates (metal, steel/rock, concrete, plaster, wood, vinyl).
4. Select testing combinations, location and surface of where to test with XRF.
5. Test surfaces with the XRF
 - a. Collect and analyze paint chip samples if necessary.
6. Classify the condition of the lead surfaces on the report pages
7. Post Calibrate the XRF
8. Evaluate the work and results to ensure the quality of the inspection.
9. Document all findings in the report.
10. Submit the completed report within 10 days of the inspection.

Calibration

Calibrate the XRF prior to and at the completion of lead paint testing and at least every four (4) hours. To calibrate the NITON XL300, put the XRF in K&L mode on the 1.02 block. Each of the three readings must be taken for 20 nominal seconds, as shown on the XRF screen. When performing the lead inspection, switch to Standard Mode.

Testing

When properties are under order, full lead inspections must be performed on the interior of the unit and all interior and exterior common areas. For multi-family housing, all interior common areas accessible to occupants must be included in the inspection (i.e. for 3 story buildings, all interior stairways must be inspected for any unit in the property).

It is the inspector's job to test a surface that is representative of each type of painted (or otherwise coated) testing combination in every room equivalent.

When testing for lead paint using an XRF, certain adjacent building components can be grouped together if they have the same painting history. A testing combination is made up of the room equivalent, component and substrate. If they are all similar then they can be grouped together and tested once.

Testing Combination

A testing combination is a unique combination of room equivalent, building component type, and substrate. The following may be grouped together as a single testing combination as long as they have the same painting histories:

Walls: All four walls should be tested separately.

Floor, radiator, and ceilings should each be tested once.

Window systems:

- Testing combination 1: aprons, casing, interior stops, and jambs
- Testing combination 2: interior window muntins and window sashes
- Testing combination 3: exterior window muntins and window sashes
- Testing combination 4: Interior window sill

Door Systems:

- Testing combination 1: door jambs (including stops and transoms) and casings (including other door frame parts)
- Testing combination 2: Doors (including door sills, rails, panels, muntins & other door parts)
- Testing combination 3: Threshold

Trim: baseboards, molding, chair rails, etc.

Trim: electrical sockets, switches, plates can be grouped with walls

Closet door, casing, jamb, pole, shelf, supports, floor, walls, and ceiling should also be tested each once.

Condition/Hazard

If the surface contains lead-based paint, document the condition of the surface, and whether the surface is a lead exposure hazard.

Color/Substrate

When requested by the owner, document the color of the surface you are testing, and the type of substrate you are testing. This helps the tenant, owner, and others be able to identify the specific surface that is being tested.

Partial Lead Inspection & Risk Assessment Report

Property Inspected:
 44 Old Falls Road
 Manchester, NH 03103

Inspection Date:
 2/12/2009

Property Owner:
 HALA Investments, LLC c/o Fernando Hilarian
 414 Union Street, Manchester, NH 03103
 603-283-7399

Prepared for:
 HALA Investments, LLC
 c/o Fernando Hilarian
 414 Union Street
 Manchester, NH 03103
 Phone: 603-283-7399
 Email: hilarion@hotmail.com

Prepared by:
 Martin Wood
 Institute for Environmental Education
 16 Upton Drive
 Wilmington, MA 01887
 978-658-5272
 Report Date:
 2/17/2008



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TYPE OF HAZARD: Not all lead paint is a lead hazard. This column tells you IF and WHY a surface needs abatement.

- Identifying FI and CA hazards were not part of the scope of work for this project.
- "FI" means that the surface is a subject to abrasion or friction or subject to damage by repeated impact
- "CA" means that the surface is "chewable accessible" and is a horizontal surface that protrude more than 1/2 inch and are located more than 6 inches but less than 4 feet from the floor or ground
- "L" means that the surface is loose, peeling, chipping, chalking, or cracking, damaged or deteriorated
- "NA" means the surface could not be visually inspected to determine if the surface is a lead hazard. This is typically due to access being blocked by occupant belongings during the inspection. The contractor should determine whether these surfaces are a lead hazard, and control them accordingly. The inspector will check these surfaces during the clearance inspection.

CONDITION: The condition refers to the condition of the painted surface at the time of the lead inspection. Only lead surfaces which are deteriorated or loose, are accessed as fair or poor.

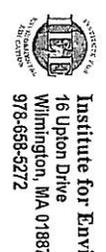
F = Fair, P = Poor
 Fair means there is deteriorated paint but it is less than or equal to 10 square feet on exterior components, 2 square feet on large interior surfaces, and 10% of total surface area of smaller components.
 Poor means the amount of deteriorated paint is more than 10 square feet on exterior components, 2 square feet on large interior surfaces, and 10% of total surface area of smaller components.

XRF Testing Results and Lead Paint Hazards

NOTE: This report lists the results for all surfaces identified and/or tested as part of the lead inspection. This includes surfaces that are not lead paint, as well as surfaces that contain lead paint, but are not hazards at the time of the inspection. All surfaces which contain a dangerous level of lead in paint and are not lead hazards at the time of the lead inspection, may become a hazard if their condition or use changes. These surfaces should be checked periodically to ensure that they do not become lead hazards.

There are surfaces omitted from the lead inspection due to not being visible, or accessible to the lead inspector, or not being included in the scope of work. Any surface not listed on the lead inspection report should be assumed to contain lead, and considered a lead hazard, as applicable, for hazard control purposes.

Surfaces with defective paint listed in this will have the "L" circled in the "Type of Hazard" column. These surfaces are considered lead paint hazards.



Lead Inspection/Risk Assessment Report

Institute for Environmental Education
 16 Upton Drive
 Wilmington, MA 01887
 978-658-5272

Page 1 of 14
 Method Used: X-Ray Fluorescence
 Model XRF-300A Serial # 4488

Property Street Address: 44 Old Falls Road
 City: Manchester State: NH Zip Code: 03103
 Airtel # 2

Owner Name: HALA Investments, LLC c/o Fernando Hilarian
 Owner Address: 414 Union Street, Manchester, NH 03103
 Owner Telephone: 603-283-7399
 Client Name (if different from owner): Fernando Hilarian, fhilarian@hotmail.com
 Client Address: 414 Union Street, Manchester, NH 03103

Alum = Aluminum
 CAP = Ceapred
 CAR = Carpet
 CA = Chewable/accessible
 COV = Covered
 FI = Friction/impacted
 INT = Inlead

Key:
 L = Loose or damaged
 Lnto = Linted
 MET = Metal
 NA = Not Accessible
 NC = No Coating
 VR = Vinyl Replacement
 INT = Inlead

Full Inspection? No
 Date of Construction: Unknown
 Description: The property inspected was the 2nd floor unit of a 2-family residence with 4 bedrooms
 Comments:
 Pre-Cal e calibration log
 Post-Cal

Room	Material	Condition	Type of Hazard
Room 2	Red & Blue	Good	None
Room 1	Red & Blue	Good	None
Room 3	Red & Blue	Good	None
Room 4	Red & Blue	Good	None
Room 5	Red & Blue	Good	None
Room 6	Red & Blue	Good	None
Room 7	Red & Blue	Good	None
Room 8	Red & Blue	Good	None
Room 9	Red & Blue	Good	None
Room 10	Red & Blue	Good	None
Room 11	Red & Blue	Good	None
Room 12	Red & Blue	Good	None
Room 13	Red & Blue	Good	None
Room 14	Red & Blue	Good	None
Room 15	Red & Blue	Good	None
Room 16	Red & Blue	Good	None
Room 17	Red & Blue	Good	None
Room 18	Red & Blue	Good	None
Room 19	Red & Blue	Good	None
Room 20	Red & Blue	Good	None
Room 21	Red & Blue	Good	None
Room 22	Red & Blue	Good	None
Room 23	Red & Blue	Good	None
Room 24	Red & Blue	Good	None
Room 25	Red & Blue	Good	None
Room 26	Red & Blue	Good	None
Room 27	Red & Blue	Good	None
Room 28	Red & Blue	Good	None
Room 29	Red & Blue	Good	None
Room 30	Red & Blue	Good	None
Room 31	Red & Blue	Good	None
Room 32	Red & Blue	Good	None
Room 33	Red & Blue	Good	None
Room 34	Red & Blue	Good	None
Room 35	Red & Blue	Good	None
Room 36	Red & Blue	Good	None
Room 37	Red & Blue	Good	None
Room 38	Red & Blue	Good	None
Room 39	Red & Blue	Good	None
Room 40	Red & Blue	Good	None
Room 41	Red & Blue	Good	None
Room 42	Red & Blue	Good	None
Room 43	Red & Blue	Good	None
Room 44	Red & Blue	Good	None
Room 45	Red & Blue	Good	None
Room 46	Red & Blue	Good	None
Room 47	Red & Blue	Good	None
Room 48	Red & Blue	Good	None
Room 49	Red & Blue	Good	None
Room 50	Red & Blue	Good	None

A (Street Side) B C D
 Pb (lead) equal to or greater than 1.0 mg/cm² with x-ray fluorescence is Potential Lead Hazard.
 Lead Hazards? Yes No
 Inspector Date: 2/12/2009
 Signature: Martin Wood
 Title: Risk Assessor (print)
 License #: RA-000028

SIDE	LOCATION/ SURFACE	COLOR	SUBST	LEAD	TYPE OF HAZARD	CONDI- TION	COMMENTS	Haz Red Date	Haz Red Method	Hazard Reduction Comment
A	Up walls	W	S		FI CA L	NA	F/I/P			
B	Up walls	W	S		FI CA L	NA	F/I/P			
C	Up walls	W	S		FI CA L	NA	F/I/P			
D	Up walls	W	S		FI CA L	NA	F/I/P			
A B C	Chair rail	W	S		FI CA L	NA	F/I/P			
A	Low walls	W	S		FI CA L	NA	F/I/P			
B	Low walls	W	S		FI CA L	NA	F/I/P			
C	Low walls	W	S		FI CA L	NA	F/I/P			
D	Low walls	W	S		FI CA L	NA	F/I/P			
A B C	Baseboards	W	S		FI CA L	NA	F/I/P			
D	Baseboards	W	S		FI CA L	NA	F/I/P			
A B C	Radior	W	S		FI CA L	NA	F/I/P			
D	Radior	W	S		FI CA L	NA	F/I/P			
A B C	Floor	W	S		FI CA L	NA	F/I/P			
D	Floor	W	S		FI CA L	NA	F/I/P			
A B C	Crown Mold	W	S		FI CA L	NA	F/I/P			
D	Crown Mold	W	S		FI CA L	NA	F/I/P			
A B C	Ceiling	W	S		FI CA L	NA	F/I/P			
D	Ceiling	W	S		FI CA L	NA	F/I/P			
A B C	Door	W	S		FI CA L	NA	F/I/P			
D	Door	W	S		FI CA L	NA	F/I/P			
A B C	Door Ceiling	W	S		FI CA L	NA	F/I/P			
D	Door Ceiling	W	S		FI CA L	NA	F/I/P			
A B C	Door Jamb	W	S		FI CA L	NA	F/I/P			
D	Door Jamb	W	S		FI CA L	NA	F/I/P			
A B C	Threshold	W	S		FI CA L	NA	F/I/P			
D	Threshold	W	S		FI CA L	NA	F/I/P			
A B C	Window Sill	W	S		FI CA L	NA	F/I/P			
D	Window Sill	W	S		FI CA L	NA	F/I/P			
A B C	Win Apron	W	S		FI CA L	NA	F/I/P			
D	Win Apron	W	S		FI CA L	NA	F/I/P			
A B C	Win Ceiling	W	S		FI CA L	NA	F/I/P			
D	Win Ceiling	W	S		FI CA L	NA	F/I/P			
A B C	Lighthead Sops	W	S		FI CA L	NA	F/I/P			
D	Lighthead Sops	W	S		FI CA L	NA	F/I/P			
A B C	Win Int Sten	W	S		FI CA L	NA	F/I/P			
D	Win Int Sten	W	S		FI CA L	NA	F/I/P			
A B C	Exterior Sill	W	S		FI CA L	NA	F/I/P			
D	Exterior Sill	W	S		FI CA L	NA	F/I/P			
A B C	Paint Band	W	S		FI CA L	NA	F/I/P			
D	Paint Band	W	S		FI CA L	NA	F/I/P			
A B C	Brnd Stop	W	S		FI CA L	NA	F/I/P			
D	Brnd Stop	W	S		FI CA L	NA	F/I/P			
A B C	Win Ext Sash	W	S		FI CA L	NA	F/I/P			
D	Win Ext Sash	W	S		FI CA L	NA	F/I/P			
A B C	Closet Door	W	S		FI CA L	NA	F/I/P			
D	Closet Door	W	S		FI CA L	NA	F/I/P			
A B C	Ci Casing	W	S		FI CA L	NA	F/I/P			
D	Ci Casing	W	S		FI CA L	NA	F/I/P			
A B C	Closet Jamb	W	S		FI CA L	NA	F/I/P			
D	Closet Jamb	W	S		FI CA L	NA	F/I/P			
A B C	Ci Baseboard	W	S		FI CA L	NA	F/I/P			
D	Ci Baseboard	W	S		FI CA L	NA	F/I/P			
A B C	Closet Pole	W	S		FI CA L	NA	F/I/P			
D	Closet Pole	W	S		FI CA L	NA	F/I/P			
A B C	Closet Shelf	W	S		FI CA L	NA	F/I/P			
D	Closet Shelf	W	S		FI CA L	NA	F/I/P			
A B C	Ci Supports	W	S		FI CA L	NA	F/I/P			
D	Ci Supports	W	S		FI CA L	NA	F/I/P			
A B C	Closet Floor	W	S		FI CA L	NA	F/I/P			
D	Closet Floor	W	S		FI CA L	NA	F/I/P			
A B C	Closet Walls	W	S		FI CA L	NA	F/I/P			
D	Closet Walls	W	S		FI CA L	NA	F/I/P			
A B C	Closet Ceiling	W	S		FI CA L	NA	F/I/P			
D	Closet Ceiling	W	S		FI CA L	NA	F/I/P			

Substrate: M-Metal, S-Sheetrock, C-Concrete, P-Plaster, W-Wood, V-Vinyl,
 Color: W-White, B-Blue, P-Pink, Y-Yellow, BL-Black, BR-Brown, G-Green, R-Red, NC-No Coating, S-Stain, GR-Grey, WF-Wallpaper
 Type of Hazard: L-Loose, peeling, chipping, cracking paint; FI-Friction or Impact; CA-Chemical accessible horizontal surfaces

SIDE	LOCATION/ SURFACE	COLOR	SUBST	LEAD	TYPE OF HAZARD	CONDI- TION	COMMENTS	Haz Red Date	Haz Red Method	Hazard Reduction Comment
A	Up walls	W	S		FI CA L	NA	F/I/P			
B	Up walls	W	S		FI CA L	NA	F/I/P			
C	Up walls	W	S		FI CA L	NA	F/I/P			
D	Up walls	W	S		FI CA L	NA	F/I/P			
A B C	Chair rail	W	S		FI CA L	NA	F/I/P			
A	Low walls	W	S		FI CA L	NA	F/I/P			
B	Low walls	W	S		FI CA L	NA	F/I/P			
C	Low walls	W	S		FI CA L	NA	F/I/P			
D	Low walls	W	S		FI CA L	NA	F/I/P			
A B C	Baseboards	W	S		FI CA L	NA	F/I/P			
D	Baseboards	W	S		FI CA L	NA	F/I/P			
A B C	Radior	W	S		FI CA L	NA	F/I/P			
D	Radior	W	S		FI CA L	NA	F/I/P			
A B C	Floor	W	S		FI CA L	NA	F/I/P			
D	Floor	W	S		FI CA L	NA	F/I/P			
A B C	Crown Mold	W	S		FI CA L	NA	F/I/P			
D	Crown Mold	W	S		FI CA L	NA	F/I/P			
A B C	Ceiling	W	S		FI CA L	NA	F/I/P			
D	Ceiling	W	S		FI CA L	NA	F/I/P			
A B C	Door	W	S		FI CA L	NA	F/I/P			
D	Door	W	S		FI CA L	NA	F/I/P			
A B C	Door Ceiling	W	S		FI CA L	NA	F/I/P			
D	Door Ceiling	W	S		FI CA L	NA	F/I/P			
A B C	Door Jamb	W	S		FI CA L	NA	F/I/P			
D	Door Jamb	W	S		FI CA L	NA	F/I/P			
A B C	Threshold	W	S		FI CA L	NA	F/I/P			
D	Threshold	W	S		FI CA L	NA	F/I/P			
A B C	Window Sill	W	S		FI CA L	NA	F/I/P			
D	Window Sill	W	S		FI CA L	NA	F/I/P			
A B C	Win Apron	W	S		FI CA L	NA	F/I/P			
D	Win Apron	W	S		FI CA L	NA	F/I/P			
A B C	Win Ceiling	W	S		FI CA L	NA	F/I/P			
D	Win Ceiling	W	S		FI CA L	NA	F/I/P			
A B C	Lighthead Sops	W	S		FI CA L	NA	F/I/P			
D	Lighthead Sops	W	S		FI CA L	NA	F/I/P			
A B C	Win Int Sten	W	S		FI CA L	NA	F/I/P			
D	Win Int Sten	W	S		FI CA L	NA	F/I/P			
A B C	Exterior Sill	W	S		FI CA L	NA	F/I/P			
D	Exterior Sill	W	S		FI CA L	NA	F/I/P			
A B C	Paint Band	W	S		FI CA L	NA	F/I/P			
D	Paint Band	W	S		FI CA L	NA	F/I/P			
A B C	Brnd Stop	W	S		FI CA L	NA	F/I/P			
D	Brnd Stop	W	S		FI CA L	NA	F/I/P			
A B C	Win Ext Sash	W	S		FI CA L	NA	F/I/P			
D	Win Ext Sash	W	S		FI CA L	NA	F/I/P			
A B C	Closet Door	W	S		FI CA L	NA	F/I/P			
D	Closet Door	W	S		FI CA L	NA	F/I/P			
A B C	Ci Casing	W	S		FI CA L	NA	F/I/P			
D	Ci Casing	W	S		FI CA L	NA	F/I/P			
A B C	Closet Jamb	W	S		FI CA L	NA	F/I/P			
D	Closet Jamb	W	S		FI CA L	NA	F/I/P			
A B C	Ci Baseboard	W	S		FI CA L	NA	F/I/P			
D	Ci Baseboard	W	S		FI CA L	NA	F/I/P			
A B C	Closet Pole	W	S		FI CA L	NA	F/I/P			
D	Closet Pole	W	S		FI CA L	NA	F/I/P			
A B C	Closet Shelf	W	S		FI CA L	NA	F/I/P			
D	Closet Shelf	W	S		FI CA L	NA	F/I/P			
A B C	Ci Supports	W	S		FI CA L	NA	F/I/P			
D	Ci Supports	W	S		FI CA L	NA	F/I/P			
A B C	Closet Floor	W	S		FI CA L	NA	F/I/P			
D	Closet Floor	W	S		FI CA L	NA	F/I/P			
A B C	Closet Walls	W	S		FI CA L	NA	F/I/P			
D	Closet Walls	W	S		FI CA L	NA	F/I/P			
A B C	Closet Ceiling	W	S		FI CA L	NA	F/I/P			
D	Closet Ceiling	W	S		FI CA L	NA	F/I/P			

Substrate: M-Metal, S-Sheetrock, C-Concrete, P-Plaster, W-Wood, V-Vinyl,
 Color: W-White, B-Blue, P-Pink, Y-Yellow, BL-Black, BR-Brown, G-Green, R-Red, NC-No Coating, S-Stain, GR-Grey, WF-Wallpaper
 Type of Hazard: L-Loose, peeling, chipping, cracking paint; FI-Friction or Impact; CA-Chemical accessible horizontal surfaces

Inspector (print) Lic #
 Address: 44 Old Falls Road Date April 2

SIDE	LOCATION/ SURFACE	COLOR	SUBST	LEAD	TYPE OF HAZARD	CONDI- TION	COMMENTS	Haz Red Date	Haz Red Method	Hazard Reduction Comment
EXTERIOR	Sliding			V-1	FI CA L NA	F I P				
	Corner Beams				FI CA L NA	F I P				
	Lower Trim				FI CA L NA	F I P				
	Upper Trim				FI CA L NA	F I P				
	Win Above 4"				FI CA L NA	F I P				
	Panel Above 4"				FI CA L NA	F I P				
	Storm Door				FI CA L NA	F I P				
	Door				FI CA L NA	F I P				
	Door Casing				FI CA L NA	F I P				
	Door Jamb				FI CA L NA	F I P				
EXTERIOR	Threshold				FI CA L NA	F I P				
	Kickplate				FI CA L NA	F I P				
	Storm Door				FI CA L NA	F I P				
	Door				FI CA L NA	F I P				
	Door Casing				FI CA L NA	F I P				
	Door Jamb				FI CA L NA	F I P				
	Threshold				FI CA L NA	F I P				
	Kickplate				FI CA L NA	F I P				
	Window Sill				FI CA L NA	F I P				
	Window Casing				FI CA L NA	F I P				
EXTERIOR	Window Sill				FI CA L NA	F I P				
	Window Casing				FI CA L NA	F I P				
	Window Sill				FI CA L NA	F I P				
	Window Casing				FI CA L NA	F I P				
	Window Sill				FI CA L NA	F I P				
	Window Casing				FI CA L NA	F I P				
	Window Sill				FI CA L NA	F I P				
	Window Casing				FI CA L NA	F I P				
	Window Sill				FI CA L NA	F I P				
	Window Casing				FI CA L NA	F I P				
EXTERIOR	Window Sill				FI CA L NA	F I P				
	Window Casing				FI CA L NA	F I P				
	Window Sill				FI CA L NA	F I P				
	Window Casing				FI CA L NA	F I P				
	Window Sill				FI CA L NA	F I P				
	Window Casing				FI CA L NA	F I P				
	Window Sill				FI CA L NA	F I P				
	Window Casing				FI CA L NA	F I P				
	Window Sill				FI CA L NA	F I P				
	Window Casing				FI CA L NA	F I P				

Substrate: M-Metal, S-Sheetrock, C-Concrete, P-Plaster, W-Wood, V-Vinyl,
 Color: W-White, B-Beige, P-Pink, Y-Yellow, BL-Blue, BK-Black, BR-Brown, G-Green, R-Red, NC-No Coating, S-Stain, GR-Gray, WP-Wallpaper
 Type of Hazard: L-Loose, peeling, chipping, cracking paint; FI-Friction or Impact; CA-Chewable accessible horizontal surfaces

Inspector (print) Lic #
 Address: 44 Old Falls Road Date April 2

SIDE	LOCATION/ SURFACE	COLOR	SUBST	LEAD	TYPE OF HAZARD	CONDI- TION	COMMENTS	Haz Red Date	Haz Red Method	Hazard Reduction Comment
EXTERIOR	Sliding			V-1	FI CA L NA	F I P				
	Corner Beams				FI CA L NA	F I P				
	Lower Trim				FI CA L NA	F I P				
	Upper Trim				FI CA L NA	F I P				
	Win Above 4"				FI CA L NA	F I P				
	Panel Above 4"				FI CA L NA	F I P				
	Storm Door				FI CA L NA	F I P				
	Door				FI CA L NA	F I P				
	Door Casing				FI CA L NA	F I P				
	Door Jamb				FI CA L NA	F I P				
EXTERIOR	Threshold				FI CA L NA	F I P				
	Kickplate				FI CA L NA	F I P				
	Storm Door				FI CA L NA	F I P				
	Door				FI CA L NA	F I P				
	Door Casing				FI CA L NA	F I P				
	Door Jamb				FI CA L NA	F I P				
	Threshold				FI CA L NA	F I P				
	Kickplate				FI CA L NA	F I P				
	Window Sill				FI CA L NA	F I P				
	Window Casing				FI CA L NA	F I P				
EXTERIOR	Window Sill				FI CA L NA	F I P				
	Window Casing				FI CA L NA	F I P				
	Window Sill				FI CA L NA	F I P				
	Window Casing				FI CA L NA	F I P				
	Window Sill				FI CA L NA	F I P				
	Window Casing				FI CA L NA	F I P				
	Window Sill				FI CA L NA	F I P				
	Window Casing				FI CA L NA	F I P				
	Window Sill				FI CA L NA	F I P				
	Window Casing				FI CA L NA	F I P				

Substrate: M-Metal, S-Sheetrock, C-Concrete, P-Plaster, W-Wood, V-Vinyl,
 Color: W-White, B-Beige, P-Pink, Y-Yellow, BL-Blue, BK-Black, BR-Brown, G-Green, R-Red, NC-No Coating, S-Stain, GR-Gray, WP-Wallpaper
 Type of Hazard: L-Loose, peeling, chipping, cracking paint; FI-Friction or Impact; CA-Chewable accessible horizontal surfaces

There is a lead exposure hazard when lead levels exceed the following limits in dust wipe samples:

- >= 40 ug/ft² Floors
- >= 250 ug/ft² Window Sills
- >= 400 ug/ft² Window Wells

Building Component Type (EPA Definition):

A building component type includes: walls, ceilings, chair rail, doors, windows,

Substrate

The substrate is the material underneath the paint. There are six types: brick, concrete, drywall, metal, plaster, or wood.

Room Equivalent:

A room equivalent is an identifiable part of a residence, such as a room, a house exterior, a foyer, staircase, hallway, or an exterior area (exterior areas contain items such as play areas, painted swimming sets, painted sandboxes, etc.)

Full Lead Inspection (NH Definition) – A surface-by-surface investigation to determine the presence of lead-based paint. A report is then issued that identifies if there is lead-based paint present and where it is located.

Testing Protocols:

The following steps are taken by a licensed lead inspector to conduct an accurate lead inspection:

1. Draw a floor plan for the property.
2. Calibrate the XRF
3. List all painted testing combinations by room equivalent including the color and substrates (metal, sheetrock, concrete, plaster, wood, vinyl).
4. Select testing combinations, location and surface of where to test with XRF.
5. Test surfaces with the XRF
 - a. Collect and analyze paint chip samples if necessary.
6. Classify the condition of the lead surfaces on the report pages
7. Post Calibrate the XRF
8. Evaluate the work and results to ensure the quality of the inspection.
9. Document all findings in the report.
10. Submit the completed report within 10 days of the inspection.

Calibration

Calibrate the XRF prior to and at the completion of lead paint testing and at least every four (4) hours. To calibrate the NITON XL P300, put the XRF in K&L mode on the 1.02 block. Each of the three readings must be taken for 20 nominal seconds, as shown on the XRF screen. When performing the lead inspection, switch to Standard Mode.

Testing

When properties are under order, full lead inspections must be performed on the interior of the unit and all interior and exterior common areas. For multi-family housing, all interior common areas accessible to occupants must be included in the inspection (i.e. for 3 story buildings, all interior stairways must be inspected for any unit in the property).

It is the inspector's job to test a surface that is representative of each type of painted (or otherwise coated) testing combination in every room equivalent.

When testing for lead paint using an XRF, certain adjacent building components can be grouped together if they have the same painting history. A testing combination is made up of the room equivalent, component and substrate. If they are all similar then they can be grouped together and tested once.

Testing Combination

A testing combination is a unique combination of room equivalent, building component type, and substrate. The following may be grouped together as a single testing combination as long as they have the same painting histories:

Walls: All four walls should be tested separately.

Floor, radiator, and ceilings should each be tested once.

Window systems:

- Testing combination 1: aprons, casing, interior stops, and jambs
- Testing combination 2: interior window muntins and window sashes
- Testing combination 3: exterior window muntins and window sashes
- Testing combination 4: interior window sill

Door Systems:

- Testing combination 1: door jambs (including stops and transoms) and casings (including other door frame parts)
- Testing combination 2: Doors (including door siles, rails, panels, muntins & other door parts)
- Testing combination 3: Threshold
- Trim: baseboards, molding, chair rails, etc.
- Trim: electrical sockets, switches, plates can be grouped with walls
- Closet door, casing, jamb, pole, shelf, supports, floor, walls, and ceiling should also be tested each once.

Condition/Hazard

If the surface contains lead-based paint, document the condition of the surface, and whether the surface is a lead exposure hazard.

Color/Substrate

When requested by the owner, document the color of the surface you are testing, and the type of substrate you are testing. This helps the tenant, owner, and others be able to identify the specific surface that is being tested.

Partial Lead Inspection & Risk Assessment Report

Property Inspected:
 239 Central Street, Unit 1L
 Manchester, NH 03103

Inspection Date:
 2/12/2009

Property Owner:
 Fernando Hilarian
 414 Union Street,
 Manchester, NH 03103
 603-283-7399

Prepared for:
 Fernando Hilarian
 414 Union Street
 Manchester, NH 03103
 Phone: 603-283-7399
 Email: hilarion@hotmail.com

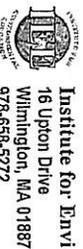
Prepared by:
 Martin Wood
 Institute for Environmental Education
 16 Upton Drive
 Wilmington, MA 01887
 978-658-5272
 Report Date:
 2/17/2008



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Lead Inspection/Risk Assessment Report



Institute for Environmental Education
16 Upton Drive
Wilmington, MA 01887
978-658-5272

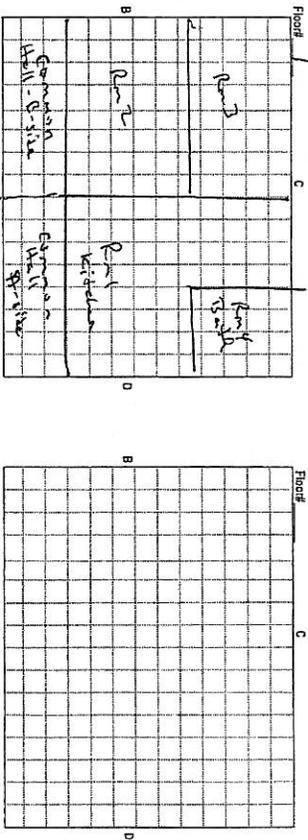
Method Used: X-Ray Fluorescence
Model Xln 300A Serial # 14639

Property Street Address: 239 Central Street Apt.# 1L
City: Manchester State: NH Zip Code: 03103

Owner Name: Fernando Hilarian Single Family
Owner Address: 414 Union Street, Manchester, NH 03103 Multi Family X
Owner Telephone: 603-283-7399 # Units 6
Client Name (if different from owner): Fernando Hilarian, f.hilarian@hotmail.com Condominium
Client Address: 414 Union Street, Manchester, NH 03103 Day Care

Alum = Aluminum Key: L = Loose or damaged
CAP = Capped Lno = Linoleum
CAR = Carpet MET = Metal
CA = Chewable/Accessible NA = Not Accessible
COV = Covered NC = No Coating
FI = Frieze/Impacted VR = Vinyl Replacement
INT = Intact

Full Inspection? No Pre-Cal by
Date of Construction: Unknown
Description: The property inspected was the 1st floor left unit of a 6-family residence with 1 bedroom
Comments:



Pb (lead) equal to or greater than 1.0 mg/cm² with x-ray fluorescence is Potential Lead Hazard.

Inspection Date: 2/12/2009 Lead Hazards? Martin Wood RISK Assessor (print) Signature: RIA-00028 Lic.#

TYPE OF HAZARD: Not all lead paint is a lead hazard. This column tells you IF and WHY a surface needs abatement.

- Identifying FI and CA hazards were not part of the scope of work for this project.
- "F" means that the surface is a subject to abrasion or friction or subject to damage by repeated impact
- "CA" means that the surface is "chewable accessible" and is a horizontal surfaces that protrude more than 1/2 inch and are located more than 6 inches but less than 4 feet from the floor or ground
- "L" means that the surface is loose, peeling, chipping, chalking, or cracking, damaged or deteriorated
- "NA" means the surface could not be visually inspected to determine if the surface is a lead hazard. This is typically due to access being blocked by occupant belongings during the inspection. The contractor should determine whether these surfaces are a lead hazard, and control them accordingly. The inspector will check these surfaces during the clearance inspection.

CONDITION: The condition refers to the condition of the painted surface at the time of the lead inspection. Only lead surfaces which are deteriorated or loose, are accessed as fair or poor.
F = Fair, P = Poor

Fair means there is deteriorated paint but it is less than or equal to 10 square feet on exterior components, 2 square feet on large interior surfaces, and 10% of total surface area of smaller components.
Poor means the amount of deteriorated paint is more than 10 square feet on exterior components, 2 square feet on large interior surfaces, and 10% of total surface area of smaller components.

XRF Testing Results and Lead Paint Hazards

NOTE: This report lists the results for all surfaces identified and/or tested as part of the lead inspection. This includes surfaces that are not lead paint, as well as surfaces that contain lead paint, but are not hazards at the time of the inspection. All surfaces which contain a dangerous level of lead in paint and are not lead hazards at the time of the lead inspection may become a hazard if their condition or use changes. These surfaces should be checked periodically to ensure that they do not become lead hazards.

There are surfaces omitted from the lead inspection due to not being visible or accessible to the lead inspector, or not being included in the scope of work. Any surface not listed on the lead inspection report should be assumed to contain lead, and considered a lead hazard, as applicable, for hazard control purposes.

Surfaces with defective paint listed in this will have the "L" circled in the "Type of Hazard" column. These surfaces are considered lead paint hazards.

Appendix A – Lead Inspection Protocols

Testing Methodology

Accessible building components were tested to determine the presence of lead based paint, utilizing XRF testing technology. Each surface identified to be a potential lead exposure hazard by the visual inspection and having a distinct paint history, was tested for the presence of lead.

Representative surfaces from selected accessible areas of the buildings were analyzed using an X-Ray Fluorescence Analyzer (XRF). A Thermo-Niton, XLP-300A XRF, Serial Number 14858 was used, which is a complete lead paint analysis system that quickly, accurately, and non-destructively measures the concentration of LBP on surfaces. Please request additional information if you require specific sampling methodologies associated with the XRF. Not all painted surfaces in each functional space were tested for the presence of lead-based paint. Please refer to Appendix A for an explanation of the Lead Testing Protocol, and Appendix C for the field notes or Field Data Sheets for the inspection.

XRF readings of 1.0 mg/cm² or greater are considered to be lead based paint in accordance with the U.S. Environmental Protection Agency (EPA), Department of Housing and Urban Development (HUD) and the State of New Hampshire Department of Health and Human Services.

Lead is usually found in surface dust, soil and painted/stained surfaces. Inspectors test for lead using an XRF (X-ray fluorescence) analyzer. Upon testing a coating with an XRF, lead concentrations greater than or equal to 1.0 mg/cm² is considered above the allowable limit and intervention is required.

DEFINITIONS:

Lead Exposure Hazard (NH Definition):

Any condition that causes exposure to lead-contaminated dust, lead-contaminated soil, or lead-contaminated paint that is deteriorated or present in accessible surfaces, friction surfaces, or impact surfaces that would result in adverse human health effects as identified by the EPA Administrator under TSCA section 403.

There is a lead exposure hazard when lead-based paint exists on:

- a. chewable, accessible horizontal surfaces protruding >1/2 inch and between >6 inches and < 4 feet from floor or ground;
- b. peeling, chipping, chalking, cracking or any interior or exterior surface or fixture that is damaged or deteriorated and is likely to become accessible to a child;
- c. interior or exterior surfaces that are subject to abrasion or friction or subject to damage by repeated impact.

There is a lead exposure hazard when lead in bare soil exceeds the following limits:

- >= 400 ppm in play areas,
- >= 1200 ppm in other areas

There is a lead exposure hazard when lead levels exceed the following limits in dust wipe samples:

- >= 40 ug/ft² Floors
- >= 250 ug/ft² Window Sills
- >= 400 ug/ft² Window Wells

Building Component Type (EPA Definition):

A building component type includes: walls, ceilings, chair rail, doors, windows,

Substrate

The substrate is the material underneath the paint. There are six types: brick, concrete, drywall, metal, plaster, or wood.

Room Equivalent:

A room equivalent is an identifiable part of a residence, such as a room, a house exterior, a foyer, staircase, hallway, or an exterior area (exterior areas contain items such as play areas, painted swimming sets, painted sandboxes, etc.)

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4. Select testing combinations, location and surface of where to test with XRF.
5. Test surfaces with the XRF
6. Collect and analyze paint chip samples if necessary.
7. Post Calibrate the XRF
8. Evaluate the work and results to ensure the quality of the inspection.
9. Document all findings in the report.
10. Submit the completed report within 10 days of the inspection.

Calibration

Calibrate the XRF prior to and at the completion of lead paint testing and at least every four (4) hours. To calibrate the NITON XLP300, put the XRF in K&L mode on the 1.02 block. Each of the three readings must be taken for 20 nominal seconds, as shown on the XRF screen. When performing the lead inspection, switch to Standard Mode.

Testing

When properties are under order, full lead inspections must be performed on the interior of the unit and all interior and exterior common areas. For multi-family housing, all interior common areas accessible to occupants must be included in the inspection (i.e. for 3 story buildings, all interior stairways must be inspected for any unit in the property).

EPA DOCKET NO. TSCA-01-2008-0101
In Re: Diosa Investments, et al.

CERTIFICATE OF SERVICE

I hereby certify that the foregoing Consent Agreement and Final Order has been sent to the following persons on the date and in the manner noted below:

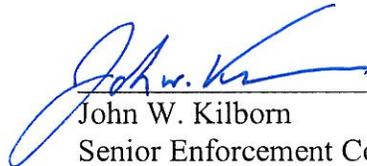
Original and one copy,
hand-delivered:

Ms. Wanda Santiago
Regional Hearing Clerk
U.S. EPA, Region I
One Congress Street, Suite 1100
Boston, MA 02114-2023

Copy, email and
Certified Mail

Fernando Hilarion
414 Union Street
Manchester, New Hampshire, 03103

Dated: April 24, 2009



John W. Kilborn
Senior Enforcement Counsel
U.S. Environmental Protection Agency,
Region 1
One Congress Street, Suite 1100
Boston, MA 02114-2023
Tel (617) 918-1893
FAX (617) 918-1809