



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 7**

11201 Renner Boulevard  
Lenexa, Kansas 66219

**JUN 25 2019**

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

Article Number: 7014 1200 0000 6123 2348

Mr. Scott Jacob  
Jacob Family Enterprises, Inc.  
9723 West State Route 161  
Fairview Heights, Illinois 62208

Re: Notice of Noncompliance  
EPA ID#: 3600930702

Dear Mr. Jacob:

The U.S. Environmental Protection Agency hereby serves Jacob Family Enterprises, Inc. with this Notice of Noncompliance for violation of the Lead-Based Paint Renovation, Repair, and Painting Rule, which is codified at 40 CFR Part 745, Subpart E.

The RRP Rule, which is made enforceable by Section 402 of the Toxic Substances Control Act, applies to renovations which disturb more than six square feet of painted surface in a room for interior projects, or more than 20 square feet of painted surface for exterior projects, involve window replacements, or use restricted practices in housing built before 1978 (known as target housing) and child-occupied facilities. The RRP Rule requires each person who performs a renovation of target housing for compensation to be certified and to utilize specific work practices to minimize lead-based paint hazards for workers and occupants. Failure to comply with the RRP Rule requirements is a violation of Section 409 of the Toxic Substances Control Act, 15 U.S.C. § 2689, and subjects violators to potential civil penalties under Section 16 of TSCA.

On August 29, 2018, an EPA Region 7 Lead Inspector conducted a compliance inspection of your target housing renovation records at your office. The Inspector determined that you were the renovation firm or renovator assigned to these properties at the time these violations occurred. Renovation firms and certified renovators are responsible for ensuring compliance with the RRP Rule.

**1. A review of the renovation records for 9031 Rosemary Avenue, Afton, Missouri, revealed the following violations:**

- Failure of a firm that performs, offers, or claims to perform renovations or dust sampling for compensation to obtain initial certification from the EPA under 40 CFR § 745.89(a), as required by 40 CFR § 745.81(a)(2)(ii). Specifically, Jacob Family Enterprises, Inc. was not an EPA-certified RRP firm at the time of the renovation.

- Failure to retain and, if requested, make available to the EPA all records necessary to demonstrate compliance with this subpart for a period of three years following completion of the renovation activities in target housing, as required by 40 CFR § 745.86 (a) & (b). Specifically, the following deficiencies were noted on the Lead Test Kit Documentation form for this property:
  - The model of the test kit used was not identified.
  - The components that were tested were not described, nor were the specific locations of the tested components listed.

In addition, the following deficiencies were noted on the Lead Renovation Record Keeping Checklist for this property:

- The results of the post-renovation cleaning verification were not listed. Results must be briefly described, including the number of wet and dry cloths used.
  - The activity, “certified renovator provided training to workers on (check all that apply):” was not checked; however, there are names of trained workers listed on the checklist.
- Failure to obtain from the owner a written acknowledgement that the owner has received the pamphlet, as required by 40 CFR § 745.84(a)(1)(i), or failure to obtain a certificate of mailing at least seven days prior to the renovation, as required by 40 CFR § 745.84(a)(1)(ii). Specifically, there was no written acknowledgment that the owner had received the pamphlet or that delivery of the pamphlet had been attempted.

**2. A review of the renovation records for 3220 Kingsley Drive, Florissant, Missouri, revealed the following violations:**

- Failure of a firm that performs, offers, or claims to perform renovations or dust sampling for compensation to obtain initial certification from the EPA, under 40 CFR § 745.89(a), as required by 40 CFR § 745.81(a)(2)(ii). Specifically, Jacob Family Enterprises, Inc. was not an EPA-certified RRP firm at the time of the renovation.
- Failure to retain and, if requested, make available to the EPA all records necessary to demonstrate compliance with this subpart for a period of three years following completion of the renovation activities in target housing, as required by 40 CFR § 745.86 (a) & (b). Specifically, the following deficiency was noted on the Lead Test Kit Documentation form for this property:
  - The components that were tested were not described, nor were the specific locations of the tested components listed.

**3. A review of the renovation records for 279 Spring Oaks Drive, Ballwin, Missouri, revealed the following violations:**

- Failure of a firm that performs, offers, or claims to perform renovations or dust sampling for compensation to obtain initial certification from the EPA, under 40 CFR § 745.89(a), as required by 40 CFR § 745.81(a)(2)(ii). Specifically, Jacob Family Enterprises, Inc. was not an EPA-certified RRP firm at the time of the renovation.
- Failure to retain and, if requested, make available to the EPA all records necessary to demonstrate compliance with this subpart for a period of three years following completion of the renovation activities in target housing, as required by 40 CFR § 745.86 (a) & (b). Specifically,

the following deficiency was noted on the Lead Renovation Record Keeping Checklist for this property:

- The Checklist was left blank, with no work practice activities marked.

- Failure of a firm to ensure that a certified renovator is assigned to each renovation performed by the firm and discharges all of the certified renovator responsibilities identified in 40 CFR § 745.90, as required by 40 CFR § 745.89(d)(2). Specifically, the certified renovator assigned to the renovation was not certified until April 10, 2018, which came after the start of the renovation. Certified renovators must be certified at the start of the renovation.

**4. A review of the renovation records for 3423 Nebraska, St. Louis, Missouri, revealed the following violations:**

- Failure of a firm that performs, offers, or claims to perform renovations or dust sampling for compensation to obtain initial certification from the EPA, under 40 CFR § 745.89(a), as required by 40 CFR § 745.81(a)(2)(ii). Specifically, Jacob Family Enterprises, Inc. was not an EPA-certified RRP firm at the time of the renovation.
- Failure to retain and, if requested, make available to the EPA all records necessary to demonstrate compliance with this subpart for a period of three years following completion of the renovation activities in target housing, as required by 40 CFR § 745.86 (a) & (b). Specifically, there was no RRP Recordkeeping Checklist, or any other documentation of compliance with 40 CFR § 745.85 for this property.
- Failure of a firm to ensure that a certified renovator is assigned to each renovation performed by the firm and discharges all of the certified renovator responsibilities identified in 40 CFR § 745.90, as required by 40 CFR § 745.89(d)(2). Specifically, the certified renovator assigned to the renovation was not certified until April 10, 2018, which came after the start of the renovation. Certified renovators must be certified at the start of the renovation.

According to the Test Kit Documentation Forms we reviewed, not **all** components affected by the renovations were tested. When testing for lead prior to performing an RRP-regulated activity, a certified renovator using an EPA recognized test kit, as defined in 40 CFR § 745.83 and following kit manufacturer's instructions, **must test each component affected by the renovation** and determine that the components are free of paint or other surface coatings that contain lead equal to or in excess of 1.0 mg/cm<sup>2</sup> or 0.5% by weight. When the requirements of testing are not met, lead safe work practices must be followed and documented. It is assumed that a property has lead-based paint and lead safe work practices will be used, it is not necessary to test for lead prior to beginning work.

Please note that one of the record keeping requirements of RRP requires firms to provide information pertaining to compliance with the Rule to the owner of the building when the final invoice for the renovation is delivered or within 30 days of the completion of the renovation, whichever is earlier, as required by 40 CFR § 745.86(c)(1)(i). The information required to be provided by 40 CFR § 745.86(c)(1)(i) may be provided by completing the sample form titled "Sample Renovation Recordkeeping Checklist", or a similar form containing the test kit information required by 40 CFR § 745.86(b)(1)(ii), and the training and work practice compliance information required by 40 CFR § 745.86(b)(6).

Even if your company acts as the general contractor and chooses to fulfill its obligation to perform the renovation by hiring subcontractors, your company is performing a renovation for purposes of the RRP rule and must comply with all the requirements of the rule that apply to firms performing renovations. This includes record keeping requirements (including, but not limited to, handing out the *Renovate Right* pamphlet and keeping Lead Safe Work Practices checklists) and work practices requirements (including, but not limited to, training workers, putting up appropriate signs, and containing renovation dust and debris). Therefore, please note that Jacob Family Enterprises, Inc. can be held liable for its subcontractor's non-compliance with the RRP rule.

This NON is issued to you for the violation listed in this document. Although you are not required to respond to this Notice, and no monetary penalty is being assessed at this time, you should make the necessary changes to your practices to ensure that all future renovations involving target housing are made in strict accordance with the RRP Rule. Each violation of the RRP Rule is a prohibited act under TSCA § 409, which can result in civil penalties under TSCA § 16 of up to \$39,873 per violation. If you have any questions regarding this letter, please contact me at (913) 551-7989 or [sena.angela@epa.gov](mailto:sena.angela@epa.gov).

Sincerely,



Angela Sena  
Compliance Officer  
Tanks, Toxics and Pesticides Branch

cc: Tony Pierce, Missouri Department of Health and Senior Services (e-copy)

Cingler  
Seneca 6/17/19  
SENA 6/24/19  
MM  
6/24/2019  
MOREY

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Sincerely,

Angela Sena  
Compliance Officer  
Tanks, Toxics and Pesticides Branch

cc: Tony Pierce, Missouri Department of Health and Senior Services (e-copy)

**H:\WWPD\TOPE\\_\_LBP Reading Files\NONs\NON FY 2019\Jacob Family Enterprises – RRP  
NON – 13June2019.docx; BS-7043-06-17-19**