

U.S. ENVIRONMENTAL PROTECTION AGENCY
REGION 7
11201 RENNER BOULEVARD
LENEXA, KANSAS 66219

UNITED STATES
ENVIRONMENTAL PROTECTION
AGENCY-REGION 7

2016 SEP -6 PM 12: 22

BEFORE THE ADMINISTRATOR

In the Matter of:

Ronald M. Bryant,

Respondent.

)
)
)
)
)

Docket No. TSCA-07-2016-0016

COMPLAINT AND CONSENT AGREEMENT/FINAL ORDER

The U.S. Environmental Protection Agency, Region 7 (“EPA”), and Ronald M. Bryant (“Respondent”) have agreed to settlement of this action before the filing of a Complaint, and thus this action is simultaneously commenced and concluded pursuant to Rules 22.13(b) and 22.18(b)(2) of the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits, 40 C.F.R. §§ 22.13(b) and 22.18(b)(2).

COMPLAINT

Jurisdiction

1. This proceeding is an administrative action for the assessment of civil penalties instituted pursuant to Section 16(a) of the Toxic Substances Control Act (“TSCA”), 15 U.S.C. § 2615(a).

2. This Complaint and Consent Agreement/Final Order (“CA/FO”) serves as notice that EPA has reason to believe that Respondent has violated Section 409 of TSCA, 15 U.S.C. § 2689, by failing to comply with the regulatory requirements of 40 C.F.R. Part 745, Subpart E, *Lead-Based Paint Renovation, Repair and Painting Rule*, promulgated pursuant to 15 U.S.C. §§ 2682, 2686 and 2687.

Parties

3. Complainant, by delegation from the Administrator of EPA and re-delegation from the Regional Administrator of EPA Region 7, is Chief of the Toxics and Pesticides Branch, Water, Wetlands and Pesticides Division, EPA Region 7.

4. Respondent is Ronald M. Bryant, an individual performing renovations of residential housing in the state of Nebraska.

Statutory and Regulatory Background

5. Congress passed the Residential Lead-Based Paint Hazard Reduction Act of 1992 (“the Act”), 42 U.S.C. §§ 4851 to 4856, to address the need to control exposure to lead-based paint hazards. One of the stated purposes of the Act is to implement a broad program to reduce lead-based paint hazards in the Nation’s housing stock. 42 U.S.C. § 4851a(2). The Act amended TSCA by adding *Title IV—Lead Exposure Reduction*, Sections 401 to 412, 15 U.S.C. §§ 2681 to 2692.

6. Pursuant to Section 402(a) of TSCA, 15 U.S.C. § 2682(a), the EPA promulgated regulations at 40 C.F.R. Part 745, Subpart L, *Lead-Based Paint Activities*. See Lead; Requirements for Lead-Based Paint Activities in Target Housing and Child-Occupied Facilities, 61 Fed. Reg. 45,778, 45,813 (Aug. 29, 1996). Pursuant to Section 406(b) and Section 407 of TSCA, 15 U.S.C. § 2686(b) and 2687, the EPA promulgated regulations at 40 C.F.R. Part 745, Subpart E, *Residential Property Renovation*. See Lead; Requirements for Hazard Education Before Renovation of Target Housing, 63 Fed. Reg. 29,908, 29,919 (June 1, 1998). Finally, pursuant to Section 402(c)(3) of TSCA, 15 U.S.C. § 2682(c)(3), the EPA amended and re-codified regulations at 40 C.F.R. Part 745, Subparts E and L, and added additional regulations at 40 C.F.R. Subpart L (“Renovation, Repair, and Painting Rule”). See Lead; Renovation, Repair, and Painting Program, 73 Fed. Reg. 21,692, 21,758 (Mar. 31, 2008).

7. The Renovation, Repair, and Painting Rule establishes work practice standards for renovations that disturb lead-based paint in target housing and child-occupied facilities and requires firms and individuals performing, offering, or claiming to perform such renovations to obtain EPA certification.

8. The regulations at 40 C.F.R. §§ 745.80 and 745.82(a) provide that the regulations contained in 40 C.F.R. Subpart E, *Residential Property Renovation*, apply to all renovations performed for compensation in target housing and child-occupied facilities.

9. The regulation at 40 C.F.R. § 745.83 defines “renovation” as 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.

10. Section 401(17) of TSCA, 15 U.S.C. § 2681(17), defines “target housing” as any housing constructed prior to 1978, except housing for the elderly or persons with disabilities

(unless any child who is less than six years of age resides or is expected to reside in such housing) or any zero-bedroom dwelling.

11. The regulation at 40 C.F.R. § 745.83 defines “firm” as 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.

12. The regulation at 40 C.F.R. § 745.83 defines “person” as any natural or judicial person including any individual, corporation, partnership, or association; any Indian Tribe, State, or political subdivision thereof; any interstate body; and any department, agency, or instrumentality of the Federal Government.

13. The regulation at 40 C.F.R. § 745.87(a) provides that failure or refusal to comply with any provision of 40 C.F.R. Part 745, Subpart E, is a violation of Section 409 of TSCA, 15 U.S.C. § 2689. Section 409 of TSCA, 15 U.S.C. § 2689, provides that it shall be unlawful for any person to fail to comply with, *inter alia*, any provision of 40 C.F.R. Part 745, Subpart E.

14. Section 16(a) of TSCA, 42 U.S.C. § 2615, and 40 C.F.R. § 745.87(d), authorizes the EPA Administrator to assess a civil penalty of up to \$25,000 for each violation of Section 409 of TSCA, 15 U.S.C. § 2689. Each day that such a violation continues constitutes a separate violation of Section 409 of TSCA, 15 U.S.C. § 2689. The Federal Civil Penalties Inflation Adjustment Act of 1990, 28 U.S.C. § 2461, as amended by the Debt Collection Improvement Act of 1996, 31 U.S.C. § 3701, and the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015, 28 U.S.C. § 2461, and implementing regulations at 40 C.F.R. Part 19 increased these statutory maximum penalties to \$37,500 for violations that occur after January 12, 2009.

General Factual Allegations

15. On or about March 18, 2015, and pursuant to Section 11 of TSCA, 15 U.S.C. § 2610, representatives of the EPA conducted an inspection at 2330 Sumner Street in Lincoln, Nebraska (“the Property”), to evaluate Respondent’s compliance with TSCA and the requirements of the Renovation, Repair, and Painting Rule (“EPA inspection”). A copy of the inspection report was mailed to Respondent on April 24, 2015.

16. Respondent is, and at all times referred to herein was, an individual doing business in the state of Nebraska.

17. Respondent, at all times referred to herein, was a “person” and “firm” as defined by 40 C.F.R. § 745.83.

18. At the time of the EPA inspection and at all times relevant to this CA/FO, Respondent was engaged in a “renovation” of the Property as defined by 40 C.F.R. § 745.83. The EPA inspection revealed that Respondent’s renovation work on the property

included window replacement, removal of interior walls and ceiling surfaces, and demolition of an attached porch and sunroom.

19. At all times relevant to this CA/FO, Respondent's renovation was a "renovation for compensation" per 40 C.F.R. § 745.82(a). At the time of the EPA inspection, a private party owned the Property and hired Respondent to perform the renovations described in paragraph 18.

20. At all times relevant to this CA/FO, the Property was "target housing" as defined by Section 401(17) of TSCA, 15 U.S.C. § 2681(17). The EPA inspection and subsequent investigation revealed that the Property was built in 1900.

21. As a result of the EPA inspection and additional information obtained by the agency, Complainant has determined that violations of the Renovation, Repair, and Painting Rule, 40 C.F.R. Part 745, Subpart E, and Section 409 of TSCA, 15 U.S.C. § 2689, occurred as a result of Respondent's renovation activities at the Property.

Allegations of Violation

22. The Complainant hereby states and alleges that Respondent has violated TSCA and federal regulations promulgated thereunder, as follows:

Count 1

23. The facts stated in paragraphs 15 through 21 above are herein incorporated.

24. Pursuant to 40 C.F.R. § 745.89(d)(1), 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. The regulation at 40 C.F.R. § 745.90(b)(2) provides that a certified renovator must provide training to workers on the work practices required by 40 C.F.R. § 745.85(a) that they will be using in performing their assigned tasks.

25. The EPA inspection revealed that Respondent failed to ensure that all individuals performing renovation activities were either certified renovators or had been trained by a certified renovator. At the time of the inspection, renovation activities at the Property were being performed by A.R.M. In-Home Services LLC, a renovation firm subcontracted by Respondent. Information gathered during the EPA inspection demonstrated that the employees of A.R.M. In-Home Services LLC were not certified renovators, nor had a certified renovator provided training to the workers on the work practices used in performing the renovations.

26. Respondent's failure to ensure that all individuals performing renovation activities were either certified renovators or had been trained by a certified renovator is a violation of 40 C.F.R. § 745.89(d)(1). Respondent, therefore, violated Section 409 of TSCA, 15 U.S.C. § 2689.

Count 2

27. The facts stated in paragraphs 15 through 21 above are herein incorporated.

28. Pursuant to 40 C.F.R. § 745.89(d)(2), firms performing renovations must ensure that a certified renovator is assigned to each renovation performed by the firm and that such certified renovator discharges all of the certified renovator responsibilities identified in 40 C.F.R. § 745.90. The regulation at 40 C.F.R. § 745.90 provides, in pertinent part, that certified renovators are responsible for:

- a. Ensuring compliance with 40 C.F.R. § 745.85 at all renovations to which they are assigned, as required by 40 C.F.R. § 745.90(b);
- b. Regularly directing work being performed by other individuals to ensure that the work practices required by 40 C.F.R. § 745.85(a) are being followed, as required by 40 C.F.R. § 745.90(b)(4); and
- c. Preparing the records required by 40 C.F.R. § 745.86(b)(1)(ii) and (b)(6).

29. The EPA inspection revealed that Respondent failed to ensure that the certified renovator assigned to the renovation at the Property discharged all of the certified renovator responsibilities identified in 40 C.F.R. § 745.90. Information and photographs gathered during the EPA inspection documented numerous violations of work practice standards required under 40 C.F.R. § 745.85(a), including the violations alleged in Count 3 through Count 9 below; therefore, the certified renovator failed to ensure compliance with the work practices required by 40 C.F.R. § 745.85(a), as required by 40 C.F.R. § 745.90(b) and (b)(4). Furthermore, the EPA inspection revealed that the assigned certified renovator did not prepare the records required by 40 C.F.R. § 745.90(b)(8), including documentation of compliance with work practices pursuant to 40 C.F.R. § 745.86(b)(6) and records and reports documenting use of an EPA-recognized test kit pursuant to 40 C.F.R. § 745.86(b)(1)(ii).

30. Respondent's failure to ensure that the certified renovator assigned to the renovation discharged all of the certified renovator responsibilities identified in 40 C.F.R. § 745.90 is a violation of 40 C.F.R. § 745.89(d)(2). Respondent, therefore, violated Section 409 of TSCA, 15 U.S.C. § 2689.

Count 3

31. The facts stated in paragraphs 15 through 21 above are herein incorporated.

32. Pursuant to 40 C.F.R. § 745.81(a)(4)(ii), all renovations must be performed in accordance with the work practice standards in 40 C.F.R. § 745.85. The regulation at 40 C.F.R. § 745.85(a)(1) requires firms to post signs clearly defining the work area and warning occupants and other persons not involved in renovation activities to remain outside of the work area.

33. The EPA inspection revealed that Respondent failed to post protective signs as required by 40 C.F.R. §745.85(a)(1). The inspector observed that caution tape and warning signs were not posted around the Property, nor in any interior living spaces of the Property where renovation and waste-collection activities were occurring.

34. Respondent's failure to post signs clearly defining the work area and warning occupants and other persons not involved in renovation to remain outside of the work area is a violation of 40 C.F.R. § 745.85(a)(1) pursuant to 40 C.F.R. § 745.81(a)(4)(ii). Respondent, therefore, violated Section 409 of TSCA, 15 U.S.C. § 2689.

Count 4

35. The facts stated in paragraphs 15 through 21 above are herein incorporated.

36. Pursuant to 40 C.F.R. § 745.81(a)(4)(ii), all renovations must be performed in accordance with the work practice standards in 40 C.F.R. § 745.85. The regulation at 40 C.F.R. § 745.85(a)(2)(i)(B) requires firms to close and cover all duct openings in the work area with taped-down plastic sheeting or other impermeable material.

37. The EPA inspection revealed that Respondent failed to close and cover all duct openings in the work area with taped-down plastic sheeting or other impermeable material. The inspector observed an uncovered floor vent on the second floor of the Property where renovations were ongoing, as well as a second floor vent that had a piece of discarded carpet padding stuffed inside the vent opening.

38. Respondent's failure to close and cover all duct openings in the work area with taped-down plastic sheeting or other impermeable material is a violation of 40 C.F.R. § 745.85(a)(2)(i)(B) pursuant to 40 C.F.R. § 745.81(a)(4)(ii). Respondent, therefore, violated Section 409 of TSCA, 15 U.S.C. § 2689.

Count 5

39. The facts stated in paragraphs 15 through 21 above are herein incorporated.

40. Pursuant to 40 C.F.R. § 745.81(a)(4)(ii), all renovations must be performed in accordance with the work practice standards in 40 C.F.R. § 745.85. The regulation at 40 C.F.R. § 745.85(a)(2)(i)(C) requires firms to close windows and doors in the work area and cover doors with plastic sheeting or other impermeable material. Doors used as an entrance to the work area must be covered with plastic sheeting or other impermeable material in a manner that allows workers to pass through while confining dust and debris to the work area.

41. The EPA inspection revealed that Respondent did not cover interior entrance doors with plastic sheeting or other impermeable material. The inspector observed no plastic

sheeting or other impermeable material covering entrances to areas of the Property undergoing renovation.

42. Respondent's failure to cover all doors in the work area with plastic sheeting or other impermeable material is a violation of 40 C.F.R. § 745.85(a)(2)(i)(C) pursuant to 40 C.F.R. § 745.81(a)(4)(ii). Respondent, therefore, violated Section 409 of TSCA, 15 U.S.C. § 2689.

Count 6

43. The facts stated in paragraphs 15 through 21 above are herein incorporated.

44. Pursuant to 40 C.F.R. § 745.81(a)(4)(ii), all renovations must be performed in accordance with the work practice standards in 40 C.F.R. § 745.85. The regulation at 40 C.F.R. § 745.85(a)(2)(i)(D) requires firms 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.

45. The EPA inspection revealed that Respondent did not cover the floor surface in the work area with taped-down plastic sheeting or other impermeable material. The inspector observed no plastic sheeting or other impermeable material covering the floor surface where renovation activities had occurred.

46. Respondent's failure to cover the floor surface in the work area with taped-down plastic sheeting or other impermeable material is a violation of 40 C.F.R. § 745.85(a)(2)(i)(D) pursuant to 40 C.F.R. § 745.81(a)(4)(ii). Respondent, therefore, violated Section 409 of TSCA, 15 U.S.C. § 2689.

Count 7

47. The facts stated in paragraphs 15 through 21 above are herein incorporated.

48. Pursuant to 40 C.F.R. § 745.81(a)(4)(ii), all renovations must be performed in accordance with the work practice standards in 40 C.F.R. § 745.85. The regulation at 40 C.F.R. § 745.85(a)(2)(ii)(B) requires firms to ensure that doors within the work area that will be used while the job is being performed are covered with plastic sheeting or other impermeable material in a manner that allows workers to pass through while confining dust and debris to the work area.

49. The EPA inspection revealed that Respondent did not ensure that doors being used within the work area were covered with plastic sheeting or other impermeable material. The inspector observed no plastic sheeting or other impermeable material covering doors within the work area that were being used while renovations were ongoing.

50. Respondent's failure to cover all doors in the work area with plastic sheeting or other impermeable material is a violation of 40 C.F.R. § 745.85(a)(2)(ii)(B) pursuant to

40 C.F.R. § 745.81(a)(4)(ii). Respondent, therefore, violated Section 409 of TSCA, 15 U.S.C. § 2689.

Count 8

51. The facts stated in paragraphs 15 through 21 above are herein incorporated.

52. Pursuant to 40 C.F.R. § 745.81(a)(4)(ii), all renovations must be performed in accordance with the work practice standards in 40 C.F.R. § 745.85. The regulation at 40 C.F.R. § 745.85(a)(2)(ii)(C) requires firms to cover the ground with plastic sheeting or other disposable impermeable material extending 10 feet beyond the perimeter of surfaces undergoing renovation or a sufficient distance to collect falling paint debris, whichever is greater, unless the property line prevents 10 feet of such ground covering, in which case ground containment measures may stop at the edge of the vertical barrier when using a vertical containment system.

53. The EPA inspection revealed that Respondent did not cover the ground with plastic sheeting or other disposable impermeable material extending 10 feet beyond the perimeter of surfaces undergoing renovation or a sufficient distance to collect falling paint debris. The inspector observed paint chips and debris on ground below a new window on the east side of the Property. The inspector did not observe plastic sheeting or other impermeable material on the ground at this location.

54. Respondent's failure to cover the ground with plastic sheeting or other disposable impermeable material extending 10 feet beyond the perimeter of surfaces undergoing renovation or a sufficient distance to collect falling paint debris, whichever is greater, is a violation of 40 C.F.R. § 745.85(a)(2)(ii)(C) pursuant to 40 C.F.R. § 745.81(a)(4)(ii). Respondent, therefore, violated Section 409 of TSCA, 15 U.S.C. § 2689.

Count 9

55. The facts stated in paragraphs 15 through 21 above are herein incorporated.

56. Pursuant to 40 C.F.R. § 745.81(a)(4)(ii), all renovations must be performed in accordance with the work practice standards in 40 C.F.R. § 745.85. The regulation at 40 C.F.R. § 745.85(a)(4)(i) requires firms to contain waste from renovation activities to prevent releases of dust and debris before the waste is removed from the work area for storage or disposal.

57. The EPA inspection revealed that Respondent did not contain waste from renovation activities at the Property before the waste was removed from the work area for storage or disposal. The inspector observed paint chips and an uncovered pile of debris in the yard at the rear of the Property where a covered back porch had recently been demolished. The inspector also observed paint chips on the sidewalk leading to the front porch of the Property.

58. Respondent's failure to contain waste from renovation activities in order to prevent releases of dust and debris before the waste was removed from the work area for storage

or disposal is a violation of 40 C.F.R. § 745.85(a)(4)(i) pursuant to 40 C.F.R. § 745.81(a)(4)(ii). Respondent, therefore, violated Section 409 of TSCA, 15 U.S.C. § 2689.

Count 10

59. The facts stated in paragraphs 15 through 21 above are herein incorporated.

60. Pursuant to 40 C.F.R. § 745.89(d)(4), firms performing renovations must ensure that the pre-renovation education requirements of 40 C.F.R. § 745.84 have been performed. The regulation at 40 C.F.R. § 745.84(a)(1) provides that firms performing renovation activities in any residential dwelling unit of target housing must provide the owner of the unit with the EPA pamphlet entitled *Renovate Right: Important Lead Hazard Information for Families, Child Care Providers and Schools* ("EPA Pamphlet") no more than 60 days before beginning the renovation.

61. The EPA inspection revealed that Respondent failed to ensure that the pre-renovation education requirements of 40 C.F.R. § 745.84 had been performed. Information gathered during the EPA inspection demonstrated that the owner of the property did not receive the *Renovate Right* pamphlet from either Respondent or Respondent's subcontractor A.R.M. In-Home Services LLC, as required by 40 C.F.R. § 745.84(a)(1).

62. Respondent's failure to ensure that the pre-renovation education requirements of 40 C.F.R. § 745.84 had been performed is a violation of 40 C.F.R. § 745.89(d)(4). Respondent, therefore, violated Section 409 of TSCA, 15 U.S.C. § 2689.

Count 11

63. The facts stated in paragraphs 15 through 21 above are herein incorporated.

64. Pursuant to 40 C.F.R. § 745.89(d)(5), firms performing renovations must ensure that the recordkeeping requirements of 40 C.F.R. § 745.86 are met. Pursuant to 40 C.F.R. § 745.86(a), firms performing renovations must retain all records necessary to demonstrate compliance with the Renovation, Repair, and Painting Rule for a period of three years following completion of the renovation, including the records described in paragraph (b) of 40 C.F.R. § 745.86.

65. The EPA inspection revealed that Respondent failed to ensure that the recordkeeping requirements of 40 C.F.R. § 745.86 were met. Information gathered during the EPA inspection revealed that Respondent did not retain records or reports identifying the manufacturer and model of the EPA-recognized test kit that Respondent used at the Property; a description of the components that Respondent tested, including their locations; and the result of each test kit used, as required by 40 C.F.R. § 745.86(b)(1)(ii).

66. Respondent's failure to ensure that the recordkeeping requirements of 40 C.F.R. § 745.86 were met is a violation of 40 C.F.R. § 745.89(d)(5). Respondent, therefore, violated Section 409 of TSCA, 15 U.S.C. § 2689.

CONSENT AGREEMENT

67. Respondent and Complainant agree to the terms of this Consent Agreement and Respondent consents to the issuance of the Final Order.

68. For purposes of this proceeding, Respondent admit the jurisdictional allegations set forth above.

69. Respondent neither admits nor denies the factual allegations set forth above.

70. Respondent waives his right to contest any issue of fact or law set forth above and his right to appeal the Final Order accompanying this Consent Agreement.

71. Respondent and EPA agree to conciliate this matter without the necessity of a formal hearing and to bear their respective costs and attorneys' fees.

72. Respondent certifies by the signing of this CA/FO that it completed EPA-accredited renovator training on March 19, 2012, to become a certified renovator, has received EPA firm certification, and is presently in compliance with all requirements of 40 C.F.R. Part 745, Subpart E.

Penalty Payment

73. Respondent shall pay a civil penalty of Three Thousand Two Hundred and Fifty Dollars (\$3,250) within thirty (30) days of the effective date of this CA/FO and as directed in paragraphs 74 and 75 below.

74. Respondent shall pay the penalty by cashier's or certified check, by wire transfer, or online. The payment shall reference the Docket Number on the check or wire transfer. If made by cashier's or certified check, the check shall be made payable to "United States Treasury" and remitted to:

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

Wire transfers shall be directed to the Federal Reserve Bank of New York as follows:

Federal Reserve Bank of New York
ABA = 021030004
Account = 68010727
SWIFT address = FRNYUS33
33 Liberty Street
New York, New York 10045
Field Tag 4200 of the Fedwire message should read
“D 68010727 Environmental Protection Agency”

On-line payments are available through the Department of Treasury:

www.pay.gov
Enter “sfo 1.1” in the search field.
Open the form and complete required files.

75. A copy of the check or other information confirming payment shall simultaneously be sent to the following:

Regional Hearing Clerk
U.S. Environmental Protection Agency, Region 7
11201 Renner Boulevard
Lenexa, Kansas 66219; and

Jared Pessetto, Attorney
Office of Regional Counsel
U.S. Environmental Protection Agency, Region 7
11201 Renner Boulevard
Lenexa, Kansas 66219.

76. Respondent understands that his failure to timely pay any portion of the civil penalty as stated in paragraph 73 may result in the commencement of a civil action in Federal District Court to recover the full remaining balance, along with penalties and accumulated interest. In such case, interest shall accrue thereon at the applicable statutory rate on the unpaid balance until such civil or stipulated penalty and any accrued interest are paid in full. A late payment handling charge of \$15 will be imposed after thirty (30) days and an additional \$15 will be charge for each subsequent thirty (30) day period. Additionally, as provided by 31 U.S.C. § 3717(e)(2), a six percent (6%) per annum penalty (late charge) may be assessed on any amount not paid within ninety (90) days of the due date.

Effect of Settlement and Reservation of Rights

77. Payment of the civil penalty in full shall resolve all civil and administrative claims for all violations of Section 409 of TSCA, 15 U.S.C. § 2689, and 40 C.F.R. Part 745, Subpart E, alleged in this CA/FO. Complainant reserves the right to take enforcement action with respect to any other violations of the TSCA or other applicable law.

78. The effect of settlement described in paragraph 77 is conditioned upon the accuracy of Respondent's representations to EPA, as memorialized in paragraph 72 of this CA/FO.

General Provisions

79. Respondent and Complainant shall each bear their own costs and attorneys' fees incurred as a result of this matter.

80. This CA/FO shall be effective upon the filing of the Final Order by the Regional Hearing Clerk for EPA Region 7. Unless otherwise stated, all time periods stated herein shall be calculated in calendar days from such date.

**RESPONDENT:
RONALD M. BRYANT**

Date: 8-26-16


Ron Bryant
Signature

Ron Bryant
Name

owner
Title


**COMPLAINANT:
U.S. ENVIRONMENTAL PROTECTION AGENCY**

Date: 8/31/2016



Jamie Green, Chief
Toxics and Pesticides Branch
Water, Wetlands, and Pesticides Division

Date: 8/30/2016



Jared Pessetto
Assistant Regional Counsel
Office of Regional Counsel

FINAL ORDER

Pursuant to Section 16(a) of the Toxic Substances Control Act, 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, 40 C.F.R. Part 22, the foregoing Complaint and Consent Agreement resolving this matter is hereby ratified and incorporated by reference into this Final Order.

Respondent is ORDERED to comply with all of the terms of the Consent Agreement. In accordance with 40 C.F.R. § 22.31(b), the effective date of the foregoing Consent Agreement and this Final Order is the date on which this Final Order is filed with the Regional Hearing Clerk.

IT IS SO ORDERED.

Date: Sept. 6, 2016

Karina Borromeo
Karina Borromeo
Regional Judicial Officer
U.S. Environmental Protection Agency, Region 7

IN THE MATTER Of Ronald M Bryant, Respondent
Docket No. TSCA-07-2016-0016

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing Order was sent this day in the following manner to the addressees:


Copy emailed to Attorney for Complainant:

pessetto.jared@epa.gov

Copy by First Class Mail to Respondent:

Glen D. Witte
Witte Law Office
6125 Havelock Avenue
Lincoln, Nebraska 68507

Dated: 9/16/16


Kathy Robinson
Hearing Clerk, Region 7