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US EPA - REGION IX
HEARING CLERK

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 HAWTHORNE STREET
SAN FRANCISCO, CA 94105

)	Docket No. TSCA-09-2013-0014
IN THE MATTER OF:)	
)	COMPLAINT AND NOTICE
)	OF OPPORTUNITY FOR
Schryer/Thompson Construction, Inc.)	HEARING
)	
)	
Respondent.)	
)	

PRELIMINARY STATEMENT

This is a civil administrative action initiated pursuant to Section 16(a) of the Toxic Substances Control Act ("TSCA"), 15 U.S.C. § 2615(a). Section 16(a) of TSCA authorizes the Administrator of the United States Environmental Protection Agency ("EPA") to issue a civil complaint for each violation of Section 409 of TSCA, 15 U.S.C. § 2689.

Complainant is the Director of the Communities and Ecosystems Division, EPA Region IX, who has been duly delegated the authority to initiate this action. Respondent is Schryer/Thompson Construction, Inc., a California corporation with offices located in Concord, California.

This Complaint and Notice of Opportunity for Hearing ("Complaint") serves as notice that Complainant has reason to believe that Respondent violated Section 409 of TSCA by failing to comply with Sections 402 and 406 of TSCA, 15 U.S.C. §§ 2682 and 2686, and their implementing regulations promulgated at 40 C.F.R. Part 745, Subpart E.

GENERAL ALLEGATIONS

1. Pursuant to Section 406(b) of TSCA, 15 U.S.C. § 2686(b), 40 C.F.R. Part 745, Subpart E requires a person who performs for compensation a renovation of target housing and child-occupied facilities to provide a lead hazard information pamphlet to the owner and occupant before beginning the renovation.

2. Pursuant to Sections 402(a) and (c) of TSCA, 15 U.S.C. §§ 2682(a) and (c), 40 C.F.R. Part 745, Subpart E provides requirements for certification of individuals and firms engaged in lead-based paint activities and work practice standards for renovation, repair, and painting activities in target housing and child occupied facilities.

3. "Target housing" means any housing constructed prior to 1978, except housing for the elderly or persons with disabilities (unless any child who is less than 6 years of age resides or is expected to reside in such housing) or any 0-bedroom dwelling. Section 401 of TSCA, 15 U.S.C. § 2681.

4. "Person" means 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. 40 C.F.R. § 745.83.

5. "Firm" means 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. 40 C.F.R. § 745.83.

6. "Renovation" means the modification of any existing structure, or portion thereof, that results in the disturbance of painted surfaces, unless that activity is 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, planning thresholds to install weatherstripping), and interim controls that disturb painted surfaces.... The term renovation does not include minor repair and maintenance activities. 40 C.F.R. § 745.83.

7. “Renovator” means an individual who either performs or directs workers who perform renovations. 40 C.F.R. § 745.83.

8. “Certified renovator” means a renovator who has successfully completed a renovator course accredited by EPA or an EPA-authorized State or Tribal program. 40 C.F.R. § 745.83.

9. “Pamphlet” means the EPA pamphlet titled Renovate Right: Important Lead Hazard Information for Families, Child Care Providers and Schools developed under section 406(a) of TSCA for use in complying with sections 406(b) of TSCA, or any State or Tribal pamphlet approved by EPA pursuant to 40 C.F.R. § 745.326 that is developed for the same purpose. 40 C.F.R. § 745.83.

10. Respondent is a “person” as that term is defined at 40 C.F.R. § 745.83.

11. At all times relevant to this Complaint, Respondent was a “firm” as that term is defined at 40 C.F.R. § 745.83.

12. Between on or about May 1, 2010 to on or about November 30, 2011, Respondent performed “renovations,” as that term is defined at 40 C.F.R. § 745.83, for compensation at residential properties located at 1545 Moraga Way in Moraga, California, 1133 Meadow Lane in Concord, California, 802 Bethany Lane in Concord, California, 1457-#4 Marchbanks Drive in Walnut Creek, California, 2700 Le Conte Avenue, Unit #201 in Berkeley, California, and 73 Brookwood Road in Orinda, California.

13. At all times relevant to the Complaint, the residential properties located at 1545 Moraga Way in Moraga, California, 1133 Meadow Lane in Concord, California, 802 Bethany Lane in Concord, California, 1457-#4 Marchbanks Drive in Walnut Creek, California, 2700 Le Conte Avenue, Unit #201 in Berkeley, California, and 73 Brookwood Road in Orinda, California were “target housing” as that term is defined at 40 C.F.R. § 745.83.

Count 1

14. Paragraphs 1 through 13 are realleged and incorporated herein by reference.

15. Firms that perform renovations for compensation must apply to EPA for certification to perform renovations. 40 C.F.R. § 745.89(a).

16. On or after April 22, 2010, no firm may perform a renovation without certification from EPA under 40 C.F.R. § 745.89(a) in target housing unless the renovation is performed in target housing that has been determined to be lead-free pursuant to 40 C.F.R. § 745.82(a). 40 C.F.R. § 745.81(a)(2)(ii).

17. Between on or about May 1, 2010 to on or about November 30, 2011, Respondent did not have a certification from EPA to perform renovations for compensation at target housing located at 1545 Moraga Way in Moraga, California, 1133 Meadow Lane in

Concord, California, 802 Bethany Lane in Concord, California, 1457-#4 Marchbanks Drive in Walnut Creek, California, 2700 Le Conte Avenue, Unit #201 in Berkeley, California, and 73 Brookwood Road in Orinda, California.

18. The target housing located at 1545 Moraga Way in Moraga, California, 1133 Meadow Lane in Concord, California, 802 Bethany Lane in Concord, California, 1457-#4 Marchbanks Drive in Walnut Creek, California, 2700 Le Conte Avenue, Unit #201 in Berkeley, California, and 73 Brookwood Road in Orinda, California had not been determined to be lead-free pursuant to 40 C.F.R. § 745.82(a).

19. Respondent's failure to obtain a certification from EPA to perform renovations for compensation before performing renovations for compensation at target housing between on or about May 1, 2010 to on or about November 30, 2011 constitutes a violation of 40 C.F.R. §§ 745.81(a)(2)(ii) and 745.89(a) and Section 409 of TSCA, 15 U.S.C. § 2689.

Counts 2-7

20. Paragraphs 1 through 19 are realleged and incorporated herein by reference.

21. Firms performing renovations for compensation must retain and make available to EPA all records necessary to demonstrate compliance with 40 C.F.R. Part 745, Subpart E for a period of 3 years following completion of the renovation. 40 C.F.R. § 745.86(a).

22. Records that must be retained pursuant to 40 C.F.R. § 745.86(a) shall include records or reports certifying that a determination has been made that lead-based paint was not present on the components affected by the renovation, as described in 40 C.F.R. § 745.82(a). These records or reports include reports prepared by a certified inspector or risk assessor

certified by EPA or an EPA-authorized State or Tribe or records prepared by a certified renovator after using an EPA-recognized test kit. 40 C.F.R. § 745.86(b)(1).

23. At all times relevant to this Complaint, Respondent failed to keep reports prepared by an EPA-certified inspector or risk assessor or records prepared by a certified renovator after using an EPA-recognized test kit certifying that lead-based paint was not present on the components affected by renovations performed at 1545 Moraga Way in Moraga, California, 1133 Meadow Lane in Concord, California, 802 Bethany Lane in Concord, California, 1457-#4 Marchbanks Drive in Walnut Creek, California, 2700 Le Conte Avenue, Unit #201 in Berkeley, California, and 73 Brookwood Road in Orinda, California.

24. Respondent's failures to keep reports prepared by an EPA-certified inspector or risk assessor or records prepared by a certified renovator after using an EPA-recognized test kit certifying that lead-based paint was not present on the components affected by renovations performed at 1545 Moraga Way in Moraga, California, 1133 Meadow Lane in Concord, California, 802 Bethany Lane in Concord, California, 1457-#4 Marchbanks Drive in Walnut Creek, California, 2700 Le Conte Avenue, Unit #201 in Berkeley, California, and 73 Brookwood Road in Orinda, California constitute 6 violations of 40 C.F.R. § 745.86(b)(1) and Section 409 of TSCA, 15 U.S.C. § 2689.

Counts 8-13

25. Paragraphs 1 through 24 are realleged and incorporated herein by reference.

26. Records that must be retained pursuant to 40 C.F.R. § 745.86(a) shall include a signed and dated acknowledgment that the owner or adult occupant, if the owner does not

occupy the target housing, has received a "pamphlet," as defined at 40 C.F.R. § 745.83, before a renovation begins. 40 C.F.R. § 745.86(b)(2).

27. At all times relevant to this Complaint, Respondent failed to keep signed and dated acknowledgments that the owners or adult occupants had received a pamphlet before the renovations began at 1545 Moraga Way in Moraga, California, 1133 Meadow Lane in Concord, California, 802 Bethany Lane in Concord, California, 1457-#4 Marchbanks Drive in Walnut Creek, California, 2700 Le Conte Avenue, Unit #201 in Berkeley, California, and 73 Brookwood Road in Orinda, California.

28. Respondent's failures to keep signed and dated acknowledgments that the owners or adult occupants received a pamphlet before the renovations began at 1545 Moraga Way in Moraga, California, 1133 Meadow Lane in Concord, California, 802 Bethany Lane in Concord, California, 1457-#4 Marchbanks Drive in Walnut Creek, California, 2700 Le Conte Avenue, Unit #201 in Berkeley, California, and 73 Brookwood Road in Orinda, California constitute 6 violations of 40 C.F.R. § 745.86(b)(2) and Section 409 of TSCA, 15 U.S.C. § 2689.

Counts 14-16

29. Paragraphs 1 through 28 are realleged and incorporated herein by reference.

30. Records that must be retained pursuant to 40 C.F.R. § 745.86(a) shall include records of notification activities performed regarding common area renovations as described 40 C.F.R. §§ 745.84(b)(3) and (4). 40 C.F.R. § 745.86(b)(5).

31. At all times relevant to this Complaint, Respondent failed to keep records of notification activities performed regarding common area renovations at 1133 Meadow Lane in

Concord, California, 1457-#4 Marchbanks Drive in Walnut Creek, California, and 73 Brookwood Road in Orinda, California.

32. Respondent's failures to keep records of notification activities performed regarding common area renovations at 1133 Meadow Lane in Concord, California, 1457-#4 Marchbanks Drive in Walnut Creek, California, and 73 Brookwood Road in Orinda, California constitute 3 violations of 40 C.F.R. § 745.86(b)(5) and Section 409 of TSCA, 15 U.S.C. § 2689.

Count 17

33. Paragraphs 1 through 32 are realleged and incorporated herein by reference.

34. Records that must be retained pursuant to 40 C.F.R. § 745.86(a) shall include documentation that a certified renovator was assigned to the renovation. 40 C.F.R. § 745.86(b)(6).

35. At all times relevant to this Complaint, Respondent failed to keep documentation that a certified renovator was assigned to the renovation at 1457-#4 Marchbanks Drive in Walnut Creek, California.

36. Respondent's failure to keep documentation that a certified renovator was assigned to the renovation at 1457-#4 Marchbanks Drive in Walnut Creek, California constitutes a violation of 40 C.F.R. § 745.86(b)(6) and Section 409 of TSCA, 15 U.S.C. § 2689.

Counts 18-20

37. Paragraphs 1 through 36 are realleged and incorporated herein by reference.

38. Records that must be retained pursuant to 40 C.F.R. § 745.86(a) shall include documentation that a certified renovator provided on-the-job training for workers used on a renovation. 40 C.F.R. § 745.86(b)(6).

39. At all times relevant to this Complaint, Respondent failed to keep documentation that a certified renovator provided on-the-job training for workers used on the renovations at 1545 Moraga Way in Moraga, California, 1457-#4 Marchbanks Drive in Walnut Creek, California, and 2700 Le Conte Avenue, Unit #201 in Berkeley, California.

40. Respondent's failures to keep documentation that a certified renovator provided on-the-job training for workers used on the renovations at 1545 Moraga Way in Moraga, California, 1457-#4 Marchbanks Drive in Walnut Creek, California, and 2700 Le Conte Avenue, Unit #201 in Berkeley, California constitute 3 violations of 40 C.F.R. § 745.86(b)(6) and Section 409 of TSCA, 15 U.S.C. § 2689.

Counts 21-23

41. Paragraphs 1 through 40 are realleged and incorporated herein by reference.

42. Records that must be retained pursuant to 40 C.F.R. § 745.86(a) shall include documentation that a certified renovator performed or directed workers who performed all of the tasks described in 40 C.F.R. § 745.85(a) for the renovation. 40 C.F.R. § 745.86(b)(6).

43. At all times relevant to this Complaint, Respondent failed to keep documentation that a certified renovator performed or directed workers who performed all of the tasks described in 40 C.F.R. § 745.85(a) for the renovations at 1545 Moraga Way in Moraga, California, 1457-#4 Marchbanks Drive in Walnut Creek, California, and 2700 Le Conte Avenue, Unit #201 in Berkeley, California.

44. Respondent's failures to keep documentation that a certified renovator performed or directed workers who performed all of the tasks described in 40 C.F.R. § 745.85(a) for the renovations at 1545 Moraga Way in Moraga, California, 1457-#4 Marchbanks Drive in Walnut

Creek, California, and 2700 Le Conte Avenue, Unit #201 in Berkeley, California constitute 3 violations of 40 C.F.R. § 745.86(b)(6) and Section 409 of TSCA, 15 U.S.C. § 2689.

Counts 24-29

45. Paragraphs 1 through 44 are realleged and incorporated herein by reference.

46. Records that must be retained pursuant to 40 C.F.R. § 745.86(a) shall include documentation that a certified renovator performed the post-renovation cleaning verification described in 40 C.F.R. § 745.85(b) for the renovation. 40 C.F.R. § 745.86(b)(6).

47. At all times relevant to this Complaint, Respondent failed to keep documentation that a certified renovator performed the post-renovation cleaning verification described in 40 C.F.R. § 745.85(b) for the renovations at 1545 Moraga Way in Moraga, California, 1133 Meadow Lane in Concord, California, 802 Bethany Lane in Concord, California, 1457-#4 Marchbanks Drive in Walnut Creek, California, 2700 Le Conte Avenue, Unit #201 in Berkeley, California, and 73 Brookwood Road in Orinda, California.

48. Respondent's failures to keep documentation that a certified renovator performed the post-renovation cleaning verification described in 40 C.F.R. § 745.85(b) for the renovations at 1545 Moraga Way in Moraga, California, 1133 Meadow Lane in Concord, California, 802 Bethany Lane in Concord, California, 1457-#4 Marchbanks Drive in Walnut Creek, California, 2700 Le Conte Avenue, Unit #201 in Berkeley, California, and 73 Brookwood Road in Orinda, California constitute 6 violations of 40 C.F.R. § 745.86(b)(6) and Section 409 of TSCA, 15 U.S.C. § 2689.

Counts 30-35

49. Paragraphs 1 through 48 are realleged and incorporated herein by reference.

50. Records that must be retained pursuant to 40 C.F.R. § 745.86(a) shall include a copy of the training certificate of the certified renovator who performed the renovation. 40 C.F.R. § 745.86(b)(6).

51. At all times relevant to this Complaint, Respondent failed to keep a copy of the training certificate of the certified renovator who performed the renovations at 1545 Moraga Way in Moraga, California, 1133 Meadow Lane in Concord, California, 802 Bethany Lane in Concord, California, 1457-#4 Marchbanks Drive in Walnut Creek, California, 2700 Le Conte Avenue, Unit #201 in Berkeley, California, and 73 Brookwood Road in Orinda, California.

52. Respondent's failures to keep a copy of the certified renovator's training certificate for the renovations at 1545 Moraga Way in Moraga, California, 1133 Meadow Lane in Concord, California, 802 Bethany Lane in Concord, California, 1457-#4 Marchbanks Drive in Walnut Creek, California, 2700 Le Conte Avenue, Unit #201 in Berkeley, California, and 73 Brookwood Road in Orinda, California constitute 6 violations of 40 C.F.R. § 745.86(b)(6) and Section 409 of TSCA, 15 U.S.C. § 2689.

Counts 36-41

53. Paragraphs 1 through 52 are realleged and incorporated herein by reference.

54. Records that must be retained pursuant to 40 C.F.R. § 745.86(a) shall include a certification by the certified renovator assigned to the renovation that: training was provided to workers; warning signs were posted at the entrances of the work area; if test kits were used, the specified brand of kits was used at the specified locations and the results were as specified; the work area was contained; and the certified renovator performed the post-renovation cleaning verification. 40 C.F.R. § 745.86(b)(6).

55. At all times relevant to this Complaint, Respondent failed to keep a certification by the certified renovator assigned to the renovations performed at 1545 Moraga Way in Moraga, California, 1133 Meadow Lane in Concord, California, 802 Bethany Lane in Concord, California, 1457-#4 Marchbanks Drive in Walnut Creek, California, 2700 Le Conte Avenue, Unit #201 in Berkeley, California, and 73 Brookwood Road in Orinda, California.

56. Respondent's failures to keep a certification by the certified renovator assigned to the renovations performed at 1545 Moraga Way in Moraga, California, 1133 Meadow Lane in Concord, California, 802 Bethany Lane in Concord, California, 1457-#4 Marchbanks Drive in Walnut Creek, California, 2700 Le Conte Avenue, Unit #201 in Berkeley, California, and 73 Brookwood Road in Orinda, California constitute 6 violations of 40 C.F.R. § 745.86(b)(6) and Section 409 of TSCA, 15 U.S.C. § 2689.

Count 42

57. Paragraphs 1 through 56 are realleged and incorporated herein by reference.

58. 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. 40 C.F.R. § 745.89(d)(1).

59. At all times relevant to this Complaint, Respondent failed to ensure that all individuals performing renovation activities at 73 Brookwood Road in Orinda, California on behalf of the firm were either certified renovators or had been trained by a certified renovator in accordance with 40 C.F.R. § 745.90.

60. Respondent's failure to ensure that all individuals performing renovation activities at 73 Brookwood Road in Orinda, California on behalf of the firm were either certified

renovators or had been trained by a certified renovator in accordance with 40 C.F.R. § 745.90 constitutes a violation of 40 C.F.R. § 745.89(d)(1) and Section 409 of TSCA, 15 U.S.C. § 2689.

Counts 43-45

61. Paragraphs 1 through 60 are realleged and incorporated herein by reference.

62. Firms performing renovations must 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 C.F.R. § 745.90. 40 C.F.R. § 745.89(d)(2).

63. At all times relevant to this Complaint, Respondent failed to ensure that a certified renovator was assigned who discharged all of the certified renovator responsibilities identified in 40 C.F.R. § 745.90 for the renovations performed at 1133 Meadow Lane in Concord, California, 802 Bethany Lane in Concord, California, and 73 Brookwood Road in Orinda, California.

64. Respondent's failure to ensure that a certified renovator was assigned who discharged all of the certified renovator responsibilities identified in 40 C.F.R. § 745.90 for the renovations performed at 1133 Meadow Lane in Concord, California, 802 Bethany Lane in Concord, California, and 73 Brookwood Road in Orinda, California constitute 3 violations of 40 C.F.R. § 745.89(d)(2) and Section 409 of TSCA, 15 U.S.C. § 2689.

PROPOSED CIVIL PENALTY

Section 16(a) of TSCA authorizes the Administrator of the United States Environmental Protection Agency ("EPA") to assess a civil penalty not to exceed \$25,000 per day for each violation of Section 409 of TSCA, 15 U.S.C. § 2689. This statutory maximum civil penalty has been raised to \$37,500 per day for each violation that occurred after January 12, 2009 pursuant to the Federal Civil Penalties Inflation Adjustment Act of 1990, 28 U.S.C. § 2461, as amended,

and its implementing regulation, the Civil Monetary Penalty Inflation Adjustment Rule codified at 40 C.F.R. Part 19.

Based upon the nature, circumstances, extent, and gravity of the violations alleged above and, with respect to the violator, ability to pay, effect on ability to continue to do business, and history of prior such violations, the degree of culpability, and other factors as justice may require, and as set forth in Section 16(a)(2)(B) of TSCA, Complainant requests that the Administrator assess against Respondent a civil penalty of up to \$37,500 for each violation that occurred after January 12, 2009.

NOTICE OF OPPORTUNITY TO REQUEST A HEARING

As provided in Section 16(a) of TSCA, 15 U.S.C. § 2615(a), Respondent has the right to request a formal hearing to contest any material fact set forth in this Complaint or to contest the appropriateness of a proposed penalty. Any hearing requested will be conducted in accordance with the Administrative Procedure Act, 5 U.S.C. § 551 et seq., and the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits (“Consolidated Rules of Practice”), 40 C.F.R. Part 22. A copy of the Consolidated Rules of Practice is enclosed with this Complaint.

You must file a written Answer within thirty (30) days of receiving this Complaint to avoid being found in default, which constitutes an admission of all facts alleged in the Complaint and a waiver of the right to a hearing, and to avoid having a penalty assessed without further proceedings. If you choose to file an Answer, you are required by the Consolidated Rules of Practice to clearly and directly admit, deny, or explain each of the factual allegations contained in this Complaint to which you have any knowledge. If you have no

knowledge of a particular fact and so state, the allegation is considered denied. Failure to deny any of the allegations in this Complaint will constitute an admission of the undenied allegation.

The Answer shall also state the circumstances and arguments, if any, which are alleged to constitute the grounds of defense, and shall specifically request an administrative hearing, if desired. If you deny any material fact or raise any affirmative defense, you will be considered to have requested a hearing.

The Answer must be filed with:

**Regional Hearing Clerk
USEPA, Region IX
75 Hawthorne Street
San Francisco, CA 94105**

In addition, please send a copy of the Answer and all other documents filed in this action to:

**Carol Bussey
Assistant Regional Counsel
Office of Regional Counsel (ORC-2)
USEPA, Region IX
75 Hawthorne Street
San Francisco, CA 94105**

Ms. Bussey is the attorney assigned to represent EPA in this matter. Her telephone number is (415) 972-3950.

You are further informed that the Consolidated Rules of Practice prohibit any ex parte (unilateral) discussion of the merits of any action with the Regional Administrator, Regional Judicial Officer, Administrative Law Judge, or any person likely to advise these officials in the decision of the case, after the Complaint is issued.

INFORMAL SETTLEMENT CONFERENCE

EPA encourages all parties against whom a civil penalty is proposed to pursue the

possibility of settlement through informal conferences. Therefore, whether or not you request a hearing, you may confer informally with EPA through Ms. Bussey, the EPA attorney assigned to this case, regarding the facts of this case, the amount of a proposed penalty, and the possibility of settlement. **An informal settlement conference does not, however, affect your obligation to file an Answer to this Complaint.**

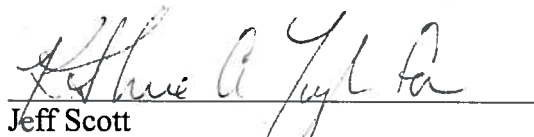
ALTERNATIVE DISPUTE RESOLUTION

The parties also may engage in any process within the scope of the Alternative Dispute Resolution Act, 5 U.S.C. § 581 et seq., which may facilitate voluntary settlement efforts. Dispute resolution using alternative means of dispute resolution does not divest the Presiding Officer of jurisdiction nor does it automatically stay the proceeding.

CONSENT AGREEMENT AND FINAL ORDER

EPA has the authority, where appropriate, to modify the amount of a proposed penalty to reflect any settlement reached with you in an informal conference or through alternative dispute resolution. The terms of such an agreement would be embodied in a Consent Agreement and Final Order. A Consent Agreement signed by the parties would be binding as to all terms and conditions specified therein for the parties signing the Consent Agreement when the Regional Judicial Officer signs the Final Order.

DATE: 9/26/13



Jeff Scott
Director, Communities and Ecosystems Division
U.S. Environmental Protection Agency, Region IX

CERTIFICATE OF SERVICE

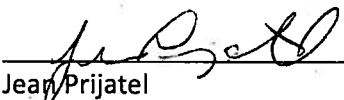
I certify that the original and foregoing Complaint and Notice of Opportunity for Hearing, Docket Number TSCA-09-2013-0014, was filed on September 26, 2013, with the Regional Hearing Clerk, U.S. EPA, Region IX, 75 Hawthorne Street, San Francisco, California 94105, and that a true and correct copy of:

- (1) the Complaint;
- (2) the Consolidated Rules of Practice, 40 C.F.R. Part 22; and
- (3) Consolidated Enforcement Response and Penalty Policy for the Pre-Renovation Education Rule; Renovation, Repair and Painting Rule; and Lead-Based Paint Activities Rule (LBP Consolidated ERPP) (August, 2010)

were placed in the United States Mail, certified mail, return receipt requested, addressed to the following:

David Hermelin, Esq.
Hermelin Law Firm
706 Main Street, Suite C
Martinez, CA 94553

Dated: 9/26/13



Jean Prijatel
Lead-Based Paint Enforcement Officer
Toxics Office
Communities and Ecosystems Division
United States Environmental Protection Agency
Region IX



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105-3901

SEP 26 2013

Certified Mail Number: 7007 3020 0000 9806 8347
Return Receipt Requested

Mr. Craig Thompson
Schryer Thompson Construction, Inc
2143 Arnold Industrial Way, Suite 10
Concord, CA 94520

Re: Complaint and Notice of Opportunity for Hearing
Docket No. TSCA-09-2013-0014

Dear Mr. Thompson:

Enclosed please find a Complaint and Notice of Opportunity for Hearing concerning violations of the lead-based paint Renovation, Repair and Painting (RRP). The RRP Rule is promulgated under Sections 402(c) and 406(b) of the Toxic Substances Control Act ("TSCA"), 42 U.S.C. §§ 2682(c) and 2686(b), and can be found at 40 C.F.R. Part 745, Subpart E.

The enclosed Complaint and Rules of Practice, 40 C.F.R. Part 22, set forth the alternatives available to you in responding to the alleged facts, violations, proposed penalty, and opportunity for a hearing. It should be emphasized that, if you wish to request a hearing and avoid being found in default, you must file a written Answer within thirty (30) days of your receipt of the Complaint.

Whether or not you choose to request a hearing, you are encouraged to explore the possibility of settlement by contacting Jean Prijatel, Communities and Ecosystems Division, at (415) 947-4167, or having your attorney contact Carol Bussey, Office of Regional Counsel, at (415) 972-3950.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeff Scott".

Jeff Scott, Director
Communities and Ecosystems Division

Enclosures

