UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION I
5 Post Office Square, Suite 100
Boston, Massachusetts 02109-3912

BY HAND

November 5, 2012

Wanda Santiago
Regional Hearing Clerk
U.S. Environmental Protection Agency - Region I
5 Post Office Square, Suite 100
Boston, MA 02109-3912

Re: In the Matter of: Collegiate Entrepreneurs, Inc., Docket No. TSCA-01-2012-0059
Amended Administrative Complaint

Dear Ms. Santiago:

Pursuant to 40 C.F.R. § 20.14(c), I have enclosed the original and one copy of the Amended Administrative Complaint and Notice of Opportunity to Request a Hearing ("Amended Complaint") in the above-referenced matter. This Amended Complaint addresses an inadvertent clerical error pertaining to the EPA docket number. Specifically the Amended Complaint changes the incorrect docket number (TSCA-01-2012-0106) to the assigned docket number (TSCA-01-2012-0059).

Thank you for your attention to this matter.

Sincerely,

Steven C. Schlang
Senior Enforcement Counsel

cc: Eric C. Crews, President, Collegiate Entrepreneurs, Inc.

In the Matter of Collegiate Entrepreneurs, Inc.
TSCA-01-2012-0059

CERTIFICATE OF SERVICE

I hereby certify that the foregoing Amended Administrative Complaint and Notice of Opportunity for Hearing has been sent to the following persons on the date noted below:

Original and one copy,
by hand delivery:

Wanda Santiago
Regional Hearing Clerk
U.S. EPA-Region 1
5 Post Office Square, Suite 100
(ORA18-1)
Boston, MA 02109

Copy, by Certified Mail,
Return Receipt Requested:

Eric C. Crews
President
Collegiate Entrepreneurs, Inc.
150 Wood Road, Suite 401
Braintree, MA 02184

11/5/12
Date

Steven Schlang
Senior Enforcement Counsel
U.S. EPA-Region 1
5 Post Office Square, Suite 100
(OES04-4)
Boston, MA 02109
Tel: (617) 918-1773
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Schlang.Steven@epa.gov

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 1

In the Matter of:	
Collegiate Entrepreneurs, Inc. 150 Wood Road, Suite 401 Braintree, MA 02184	
Respondent	
Proceeding under Section 16(a) of The Toxic Substances Control Act, 15 U.S.C. § 2615(a).	

Docket No. TSCA-01-2012-0059

AMENDED ADMINISTRATIVE COMPLAINT AND NOTICE OF OPPORTUNITY FOR HEARING

I. STATEMENT OF AUTHORITY

1. This Amended Administrative Complaint and Notice of Opportunity for Hearing ("Amended Complaint") is issued pursuant to Section 16(a) of the Toxic Substances Control Act ("TSCA"), 15 U.S.C. § 2615(a), 40 C.F.R. § 745.118, 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. Complainant is the Legal Enforcement Manager of the Office of Environmental Stewardship, U.S. Environmental Protection Agency ("EPA"), Region 1. Respondent is Collegiate Entrepreneurs, Inc. ("Respondent").

II. NATURE OF THE ACTION

2. This Amended Complaint alleges that Respondent performed renovations for compensation on 82 pre-1978 dwelling units. Of these 82 renovations, 75 took place between May and July 2009 and seven took place between April and July 2010.

3. Respondent is hereby notified of Complainant's determination that Respondent has violated Sections 15, 402(c) and 406(b) of TSCA, 15 U.S.C. §§ 2614, 2682(c) and 2686(b), Section 409 of TSCA, 15 U.S.C. § 2689, the Residential Lead-Based Paint Hazard Reduction Act of 1992 ("the Act"), 42 U.S.C. § 4851 et seq., and the federal regulations promulgated thereunder, entitled the "Renovation Repair and Painting Rule" ("RRP Rule"), as set forth at 40 C.F.R. Part 745, Subpart E. Complainant seeks civil penalties pursuant to Section 16 of TSCA, 15 U.S.C. § 2615, which provides that violations of Section 409 of TSCA are subject to the assessment by Complainant of civil and/or criminal penalties.

III. STATUTORY AND REGULATORY BACKGROUND

4. In 1992, Congress passed the Act in response to findings that low-level lead poisoning is widespread among American children, that pre-1980 American housing stock contains more than three million tons of lead in the form of lead-based paint, and that the ingestion of lead from deteriorated or abraded lead-based paint is the most common cause of lead poisoning in children. One of the stated purposes of the Act is to ensure that the existence of lead-based paint hazards is taken into account during the renovation of homes and apartments. To carry out this purpose, the Act added a new title to TSCA entitled "Title IV-Lead Exposure Reduction," which currently includes Sections 401-411 of TSCA, 15 U.S.C. §§ 2681-2692.

5. In 1996, EPA promulgated regulations to implement Section 402(a) of TSCA, 15 U.S.C. § 2682(a). These regulations are set forth at 40 C.F.R. Part 745, Subpart L. In 1998, EPA

promulgated regulations to implement Section 406(b) of the Act. These regulations are set forth at 40 C.F.R. Part 745, Subpart E. In 2008, EPA promulgated regulations to implement Section 402(c)(3) of TSCA, 15 U.S.C. § 2682(c)(3) by amending 40 C.F.R. Part 745, Subparts E and L, comprehensively referred to as the RRP Rule.

6. Pursuant to Section 401(17) of TSCA, 15 U.S.C. § 2681(17), and 40 C.F.R. § 745.103, the housing stock addressed by the Act is termed "target housing."

7. Pursuant to TSCA Section 406(b), 15 U.S.C. § 2686(b) and the federal regulations promulgated thereunder, set forth in 40 C.F.R. § 745.84, the RRP Rule sets forth procedures and requirements for the distribution of EPA's lead hazard information pamphlet to the owner or an adult occupant of pre-1978 housing units at least 60 days prior to beginning renovation activities at their properties.

8. Pursuant to TSCA Section 402, 15 U.S.C. § 2682 and the federal regulations promulgated thereunder, set forth at 40 C.F.R. § 745, Subpart E, the RRP Rule sets forth procedures and requirements for, among other things, the accreditation of training programs, the certification of renovation firms and individual renovators, the work practice standards for renovation, repair and painting activities in target housing, and the establishment and maintenance of records.

9. Pursuant to Section 409 of TSCA, it is unlawful for any person to fail to comply with any rule issued under Subchapter IV of TSCA (such as the RRP Rule). Pursuant to 40 C.F.R. § 745.87(a), the failure to comply with a requirement of the RRP Rule is a violation of Section 409 of TSCA. Pursuant to 40 C.F.R. § 745.87(b), the failure to establish and maintain the records required by the RRP Rule is a violation of Sections 15 and 409 of TSCA, 15 U.S.C. §§ 2614 and 2689.

10. Section 16(a)(1) of TSCA, 15 U.S.C. § 2615(a)(1), provides that any person who violates a provision of Section 15 or 409 of TSCA shall be liable to the United States for a civil penalty.

11. Section 16(a) of TSCA and 40 C.F.R. § 745.87(d) authorize the assessment of a civil penalty of up to $25,000 per day per violation of the RRP Rule. Pursuant to the Debt Collection Improvement Act of 1996, 31 U.S.C. § 3701, and 40 C.F.R. Part 19, violations that occur on or after January 13, 2009, are subject to penalties up to $37,500 per day per violation. See 73 Fed. Reg. 75340 (December 11, 2008).

IV. APPLICABLE DEFINITIONS

12. Pursuant to 40 C.F.R. § 745.83, the term *"EPA pamphlet"* means the EPA pamphlets developed under Section 406(a) of TSCA for use in complying with 406(b) of TSCA and the RRP Rule. At all times relevant to the violations alleged herein, such pamphlets were entitled either *Protect Your Family From Lead in Your Home* or *Renovate Right: Important Lead Hazard Information for Families, Child Care Providers and Schools*. The term *"EPA pamphlet"* may also include any State or Tribal pamphlet approved by EPA pursuant to 40 C.F.R. § 745.326 that is developed for the same purpose. This includes reproductions of the pamphlet when copied in full and without revision or deletion of material from the pamphlet (except for the addition or revision of State or local sources of information).

13. Pursuant to 40 C.F.R. § 745.83, the term *"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.

14. Pursuant to 40 C.F.R. § 745.83, the term *"minor repair and maintenance activities"* means activities, including minor heating, ventilation or air conditioning work, electrical work, and plumbing, that disrupt 6 square feet or less of painted surface per room for interior activities

or 20 square feet or less of painted surface for exterior activities where none of the work practices prohibited or restricted by 40 C.F.R. § 745.85(a)(3) are used and where the work does not involve window replacement or demolition of painted surface areas.

15. Pursuant to 40 C.F.R. § 745.83, the term *"renovation"* means 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 or modification of painted surfaces or painted components (e.g., modification of painted doors, surface restoration, window repair, surface restoration activity (such as sanding, scraping, or other such activities that may generate paint dust)); the removal of building components (e.g., walls, ceiling, 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 weather-stripping), and interim controls that disturb painted surfaces. The term renovation does not include minor repair and maintenance activities.

16. Pursuant to 40 C.F.R. § 745.83, the term *"renovator"* means an individual who either performs or directs workers who perform renovations. A certified renovator is a renovator who has successfully completed a renovator course accredited by EPA or an EPA-authorized State or Tribal program.

17. Pursuant to 40 C.F.R. § 745.103 and Section 401(17) of TSCA, 15 U.S.C. § 2681(17), the term *"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.

18. Pursuant to Section 401(14) of TSCA, 15 U.S.C. § 2681(14), and 40 C.F.R. § 745.103, the term *"residential dwelling"* means either a single-family dwelling, including attached structures such as porches and stoops, or a single-family dwelling unit in a structure that contains more than one separate residential dwelling unit, and in which each such unit is used or occupied, or intended to be used or occupied, in whole or in part, as the residence of one or more persons.

19. Pursuant to 40 C.F.R. § 745.103, the term *"owner"* means any entity that has legal title to target housing, including but not limited to individuals, partnerships, corporations, trusts, government agencies, housing agencies, Indian tribes and nonprofit organizations, except where a mortgagee holds legal title to property serving as collateral for a mortgage loan, in which case the owner would be the mortgagor.

V. GENERAL ALLEGATIONS

20. Respondent is a Massachusetts corporation with its principal place of business located at 150 Wood Road, Suite 401, Braintree, MA.

21. Respondent is a "person" within the meaning of 40 C.F.R. § 745.83.

22. At all times relevant to this Amended Complaint, Respondent was a "firm" within the meaning of 40 C.F.R. § 745.83.

23. Respondent is a company that provides interior and exterior house painting services in the New England region.

24. Respondent employs college students as "branch managers" who select a team of painters for each renovation project.

25. Respondent trains and provides assistance to branch managers.

26. Respondent contracts directly with owners for each renovation project and guarantees the work of student employees to customers.

27. In June 2006, EPA sent pre-renovation education ("PRE") information, which provided a detailed explanation of how firms must comply with PRE requirements, to numerous companies in New England providing renovation and painting services, including Respondent.

28. On September 24, 2009, an EPA inspector ("inspector") conducted a scheduled on-site inspection at Respondent's office to determine Respondent's compliance with the RRP Rule, which includes the requirement to distribute PRE information. The inspector met with Respondent's Comptroller, Christina Harrington.

29. Ms. Harrington told the inspector that she did not know that 40 C.F.R. § 745.84(a)(1) required Respondent to provide customers with PRE information in the form of an EPA pamphlet and to keep a copy of customer-signed PRE receipts.

30. Ms. Harrington stated that to her knowledge, Respondent's student employees did not provide EPA pamphlets to customers, but requested an extension to provide documentation. An extension was granted until October 22, 2009.

31. On October 22, 2009, the inspector returned to Respondent's office. Ms. Harrington did not provide any documentation of PRE compliance and requested another extension. In a signed statement, Ms. Harrington stated that Respondent would compile records for projects completed in New England from August 2007 to August 2009, and submit these records to EPA by November 23, 2009. The inspector provided Ms. Harrington with an EPA compliance assistance packet and explained the RRP requirements.

32. Respondent did not provide EPA with further information following Ms. Harrington's October 22, 2009 statement.

33. On March 30, 2010, EPA issued a subpoena to Respondent seeking documentation of compliance with the RRP Rule's PRE requirements for renovations of target housing properties in New England "from July 1, 2008 to present" ("March 2010 Subpoena").

34. On June 11, 2010, Respondent submitted a partial response to the March 2010 Subpoena, including a list of 75 renovation projects completed from May to July, 2009, on dwelling units constructed in Massachusetts prior to 1978. See Table 1. Respondent did not provide copies of documentation demonstrating compliance with PRE requirements, but stated that it was "collecting similar information for work conducted in other states and this information will be submitted to USEPA as soon as possible."

35. Respondent did not provide EPA with any further information in response to the March 2010 Subpoena.

36. On June 27, 2011, EPA issued a second subpoena to Respondent requesting information on painting projects completed at 11 dwelling units in New England ("July 2011 Subpoena").

37. On August 26, 2011, Respondent replied to the July 2011 Subpoena, identifying the following dwelling units as target housing that underwent renovation by Respondent during the summer of 2010, and providing partial records of each project's compliance with the RRP Rule:

1. 103 Doyle Avenue, Providence, RI 02906
2. 271 Newman Avenue, Rumford, RI 02916
3. 65 Ware Lane, Marblehead, MA 01945
4. 6 Rock Cliff Road, Marblehead, MA 01945
5. 9 Winthrop Street, Marblehead, MA 01945
6. 116 Central Street, Concord, MA 01742
7. 28 Clifton Avenue, Marblehead, MA 01945

38. At all times relevant to this Amended Complaint, the 75 dwelling units referred to in Paragraph 34 above and the seven dwelling units referred to in Paragraph 37 above were target housing.

39. At all times relevant to this Amended Complaint, the painting renovation projects were "renovations performed for compensation" subject to the RRP Rule pursuant to 40 C.F.R. § 745.82(a).

40. The renovations performed at the 82 dwelling units do not satisfy the requirements for an exemption to the provisions of TSCA or the RRP Rule.

41. Respondent was a certified firm pursuant to 40 C.F.R. § 745.89, as of April 1, 2010.

VI. VIOLATIONS

Count 1 - Failure to Provide Pre-renovation Education Information

42. Complainant incorporates by reference Paragraphs 1 through 41.

43. Pursuant to 40 C.F.R. § 745.84(a)(1), a firm must provide PRE information in the form of an EPA pamphlet to customers prior to performing renovations of target housing. Firms are also required to obtain receipts for the PRE information from customers and to keep a copy of the signed PRE forms for at least three years.

44. Respondent failed to distribute EPA pamphlets to customers prior to commencing renovations at 75 residential dwellings. These 75 renovations occurred between May and July 2009 (See attached Table 1).

45. Respondent's failure to distribute PRE information to customers at the renovation projects described in Paragraph 44 above constitutes 75 separate violations of 40 C.F.R. § 745.84(a)(1) and Section 409 of TSCA.

Count 2 – Failure to Retain Records Demonstrating that a Certified Renovator Provided On-the-Job Training for Workers Used on Renovation Projects

46. Complainant incorporates by reference Paragraphs 1 through 45.

47. Pursuant to 40 C.F.R. § 745.86(a), firms performing renovations must retain all records necessary to demonstrate compliance with 40 C.F.R. § 745, Subpart E, for a period of three years following completion of the renovation. Pursuant to 40 C.F.R. § 745.86(b)(6), firms performing renovations must retain all records documenting compliance with the work practice standards of 40 C.F.R. § 745.85, including documentation that a certified renovator provided on-the-job training for workers used on renovation projects.

48. At all times relevant to this Amended Complaint, Respondent failed to retain records that a certified renovator provided on-the-job training for workers used on renovation projects conducted by Respondent at the following five residential dwellings: 103 Doyle Avenue, Providence, Rhode Island; 271 Newman Avenue, Rumford, Rhode Island; 65 Ware Lane, Marblehead, Massachusetts; 6 Rock Cliff Road, Marblehead, Massachusetts and 116 Central Street, Concord, Massachusetts.

49. Respondent's failure to retain records documenting that a certified renovator provided on-the-job training to workers used at each of the five renovation projects listed in Paragraph 48, constitutes five violations of 40 C.F.R. §§ 745.86(a) and (b)(6) and Sections 15 and 409 of TSCA, 15 U.S.C. §§ 2615 and 2689.

Count 3 – Failure to Retain Records Demonstrating that a Certified Renovator Performed *Or* Directed Workers To Perform Tasks Described at 40 C.F.R. § 745.85(a)

50. Complainant incorporates by reference Paragraphs 1 through 49.

51. Pursuant to 40 C.F.R. § 745.86(a), firms performing renovations must retain all records necessary to demonstrate compliance with 40 C.F.R. § 745, Subpart E, for a period of three years

following completion of the renovation. Pursuant to 40 C.F.R. § 745.86(b)(6), firms performing renovation must retain all records documenting compliance with the work practice standards of 40 C.F.R. § 745.85, including documentation that a certified renovator performed or directed workers to perform tasks described by 40 C.F.R. § 745.85(a), the regulation that delineates work practice standards for renovation activities.

52. At all times relevant to this Amended Complaint, Respondent failed to retain records that a certified renovator performed or directed workers to perform tasks described by 40 C.F.R. § 745.85(a) at the following seven residential dwellings where Respondent conducted renovations: 103 Doyle Avenue, Providence, Rhode Island; 271 Newman Avenue, Rumford, Rhode Island; 65 Ware Lane, Marblehead, Massachusetts; 6 Rock Cliff Road, Marblehead, Massachusetts; 9 Winthrop Street, Marblehead, Massachusetts; 116 Central Street, Concord, Massachusetts and 28 Clifton Avenue, Marblehead, Massachusetts.

53. Respondent's failure to retain records documenting that a certified renovator performed or directed workers to perform tasks described by 40 C.F.R. § 745.85(a) at each of the seven renovation projects listed Paragraph 52, constitutes seven violations of 40 C.F.R. §§ 745.86(a) and (b)(6) and Sections 15 and 409 of TSCA, 15 U.S.C. §§ 2615 and 2689.

Count 4 – Failure to Retain Records Demonstrating That a Certified Renovator Performed Post-Renovation Cleaning Verification Described In 40 C.F.R. § 745.85(b)

54. Complainant incorporates by reference Paragraphs 1 through 53.

55. Pursuant to 40 C.F.R. § 745.86(a), firms performing renovations must retain all records necessary to demonstrate compliance with 40 C.F.R. Part 745, Subpart E, for a period of three years following completion of the renovation. Pursuant to 40 C.F.R. § 745.86(b)(6), firms performing renovation must retain all records documenting compliance with the work practice

standards promulgated in 40 C.F.R. § 745.85, including documentation that a certified renovator complied with the standards for post-renovation cleaning verification, described in 40 C.F.R. § 745.85(b).

56. At all times relevant to this Amended Complaint, Respondent failed to retain records that a certified renovator performed post-renovation cleaning verification described in 40 C.F.R. § 745.85(b) at the following seven dwelling units where Respondent conducted renovations: 103 Doyle Avenue, Providence, Rhode Island; 271 Newman Avenue, Rumford, Rhode Island; 65 Ware Lane, Marblehead, Massachusetts; 6 Rock Cliff Road, Marblehead, Massachusetts; 9 Winthrop Street, Marblehead, Massachusetts; 116 Central Street, Concord, Massachusetts and 28 Clifton Avenue, Marblehead, Massachusetts.

57. Respondent's failure to retain records documenting that a certified renovator performed post-renovation cleaning verifications described in 40 C.F.R. § 745.85(b) at each of the seven renovation projects listed in Paragraph 56, constitutes seven violations of 40 C.F.R. §§ 745.86(a) and (b)(6) and Sections 15 and 409 of TSCA, 15 U.S.C. §§ 2615 and 2689.

Count 5 – Failure to Retain a Certification By A Certified Renovator

58. Complainant incorporates by reference Paragraphs 1 through 57.

59. Pursuant to 40 C.F.R. § 745.86(a), firms performing renovations must retain all records necessary to demonstrate compliance with 40 C.F.R. Part 745, Subpart E, for a period of three years following completion of the renovation. Pursuant to 40 C.F.R. § 745.86(b)(6), firms performing renovations must retain all records documenting compliance with the work practice standards promulgated in 40 C.F.R. § 745.85, including but not limited to a certification by the certified renovator assigned to the project that: (i) training was provided workers; (ii) warning signs were posted at entrances to work areas; (iii) if lead test kits were used, that the specified

brand of kits was used at the specified locations and that the test results were as specified; (iv) if paint chip samples were collected, that the samples were collected at the specified locations, that the specified NNLAP-recognized laboratory analyzed the samples, and that the samples were as specified; (v) work areas were appropriately contained; (vi) waste was contained on-site and while being transported off-site; (vii) work areas were appropriately cleaned after the renovation; and (viii) the certified renovator performed the appropriate post-renovation cleaning verifications.

60. Respondent failed to retain a certification by the certified renovator that the work practices specified in subparagraphs (i) through (viii) of Paragraph 59 were conducted in compliance with 40 C.F.R. § 745.85 at the following seven residential units where Respondent conducted renovations: 103 Doyle Avenue, Providence, Rhode Island; 271 Newman Avenue, Rumford, Rhode Island; 65 Ware Lane, Marblehead, Massachusetts; 6 Rock Cliff Road, Marblehead, Massachusetts; 9 Winthrop Street, Marblehead, Massachusetts; 116 Central Street, Concord, Massachusetts and 28 Clifton Avenue, Marblehead, Massachusetts.

61. Respondent's failure to retain a certified renovator's certification that work practices were conducted in compliance with 40 C.F.R. § 745.85 at each of the seven renovation projects listed in Paragraph 60, constitutes seven violations of 40 C.F.R. §§ 745.86(a) and (b)(6) and Sections 15 and 409 of TSCA, 15 U.S.C. §§ 2615 and 2689

VII. PROPOSED PENALTY

62. In determining the amount of any penalty to be assessed, Section 16 of TSCA requires that Complainant consider the nature, circumstances, extent and gravity of the violations and, with respect to Respondent, its ability to pay, the effect of the proposed penalty on the ability to

continue to do business, any history of prior such violations, the degree of culpability, and such other matters as justice may require.

63. To assess a penalty for the alleged violations in this Amended Complaint, Complainant will take into account the particular facts and circumstances of this case with specific reference to EPA's August 2010 Interim Final Policy entitled, *Consolidated Enforcement Response and Penalty Polity for the Pre-Renovation Education Rule; Renovation, Repair and Painting Rule; and Lead-Based Paint Activities Rule* (the "LBP Consolidated ERPP"). The LBP Consolidated ERPP provides a rational, consistent, and equitable calculation methodology for applying the statutory penalty factors enumerated above to particular cases.

64. **Ability to Pay**: Any proposed penalty in this matter will be developed based upon the best information available to Complainant. However, any such penalty may also be adjusted if Respondent is able to establish a bona fide claim of its ability to pay a penalty by providing Complainant with adequate financial documentation of its claim.

65. By this Amended Complaint, Complainant seeks to assess civil penalties against Respondent of up to $37,500 per day per violation for each violation of the RRP Rule alleged herein, as discussed further below:

Count 1 – Failure to Provide Pre-renovation Education Information

66. EPA alleges that Respondent violated 40 C.F.R. § 745.84(a)(1) (formerly 40 C.F.R. 745.85(a)(1)) and Section 409 of TSCA on 75 separate occasions when it failed to provide the PRE pamphlet to owners or occupants of target housing at 75 renovations.

67. The RRP Rule requirements are designed to prevent exposure to lead during renovations. Failure to provide an owner or occupant with an EPA-approved lead hazard information pamphlet pursuant to 40 C.F.R. § 745.84(a)(1) results in a high probability of impairing the

owner's ability to properly assess information regarding the risks associated with exposure to lead-based paint and to weigh this information with regard to renovating the target housing in question.

Count 2 – Failure to Retain Records Demonstrating that a Certified Renovator Provided On-the-Job Training for Workers Used on Renovation Projects

68. EPA alleges that Respondent violated 40 C.F.R. §§ 745.86(a) and (b)(6) and Sections 15 and 409 of TSCA, 15 U.S.C. §§ 2615 and 2689, on five (5) separate occasions when it failed to retain records that a certified renovator provided on-the-job training for workers used on renovation projects.

69. Failure to retain records that a certified renovator provided on-the-job training for workers used on renovation projects impedes EPA's ability to assess compliance with the RRP Rule and presents an increased risk that a renovation firm will fail to comply with the work practice standards of 40 C.F.R § 745.85. The RRP Rule requirements are designed to limit exposure to lead during renovations and the work practice requirements are important to ensure that firms are protecting children and other residents while renovations are ongoing.

Count 3 – Failure to Retain Records Demonstrating that a Certified Renovator Performed *Or Directed* Workers To Perform Tasks Described at 40 C.F.R. § 745.85(a)

70. EPA alleges that Respondent violated 40 C.F.R. §§ 745.86(a) and (b)(6) and Sections 15 and 409 of TSCA, 15 U.S.C. §§ 2615 and 2689, on seven (7) separate occasions when it failed to retain records that a certified renovator performed or directed workers to perform tasks described in 40 C.F.R. § 745.85(a).

71. Failure to maintain records that a certified renovator performed or directed workers to perform tasks described by 40 C.F.R. § 745.85(a) impedes EPA's ability to assess compliance with the RRP Rule and presents an increased risk that a renovation firm will fail to comply with

the work practice standards of 40 C.F.R § 745.85. The RRP Rule requirements are designed to limit exposure to lead during renovations and the work practice requirements are important to ensure that firms are protecting children and other residents while renovations are ongoing.

Count 4 – Failure to Retain Records Demonstrating That a Certified Renovator Performed Post-Renovation Cleaning Verification Described In 40 C.F.R. § 745.85(b)

72. EPA alleges that Respondent violated 40 C.F.R. §§ 745.86(a) and (b)(6) and Sections 15 and 409 of TSCA, 15 U.S.C. §§ 2615 and 2689, on seven (7) separate occasions when it failed to retain records that a certified renovator performed post-renovation cleaning verifications described in 40 C.F.R. § 745.85(b).

73. Failure to retain records that a certified renovator performed post-renovation cleaning verifications described in 40 C.F.R. § 745.85(b) impedes EPA's ability to assess compliance with the RRP Rule and presents an increased risk that a renovation firm will fail to comply with the work practice standards of 40 C.F.R § 745.85. The RRP Rule requirements are designed to limit exposure to lead during renovations and the work practice requirements are important to ensure that firms are protecting children and other residents while renovations are ongoing.

Count 5 – Failure to Retain a Certification By A Certified Renovator

74. EPA alleges that Respondent violated 40 C.F.R. §§ 745.86(a) and (b)(6) and Sections 15 and 409 of TSCA, 15 U.S.C. §§ 2615 and 2689, on seven (7) separate occasions when it failed to retain a certification by the certified renovator that the work practices specified in subparagraphs (i) through (viii) of Paragraph 59 were conducted in compliance with 40 C.F.R. § 745.85.

75. Failure to retain a certification by the certified renovator that the work practices specified in subparagraphs (i) through (viii) of Paragraph 59 were conducted in compliance with 40 C.F.R. § 745.85 impedes EPA's ability to assess compliance with the RRP Rule and presents an increased risk that a renovation firm will fail to comply with the work practice standards of 40

C.F.R § 745.85. The RRP Rule requirements are designed to limit exposure to lead during renovations and the work practice requirements are important to ensure that firms are protecting children and other residents while renovations are ongoing.

VIII. NOTICE OF OPPORTUNITY TO REQUEST A HEARING

76. As provided by Section 16(a)(2)(A) of TSCA, 15 U.S.C. § 2615(a)(2)(A), and in accordance with 40 C.F.R. § 22.14, Respondent has a right to request a hearing on any material fact alleged in this Amended Complaint. Any such hearing would be conducted in accordance with EPA's Consolidated Rules of Practice, 40 C.F.R. Part 22. Any request for a hearing must be included in Respondent's written Answer to this Amended Complaint ("Answer") and filed with the Regional Hearing Clerk at the address listed below within twenty (20) days of receipt of this Amended Complaint.

77. The Answer shall clearly and directly admit, deny, or explain each of the factual allegations contained in the Amended Complaint. Where Respondent has no knowledge as to a particular factual allegation and so states, the allegation is deemed denied. The failure of Respondent to deny an allegation contained in the Amended Complaint constitutes an admission of that allegation. The Answer must also state the circumstances or arguments alleged to constitute the grounds of any defense; the facts that Respondent disputes; the basis for opposing any proposed penalty; and whether a hearing is requested. See 40 C.F.R. § 22.15 of the Consolidated Rules of Practice for the required contents of an Answer.

78. Respondent shall send the original and one copy of the Answer, as well as a copy of all other documents that Respondent files in this action, to the Regional Hearing Clerk at the following address:

Wanda A. Santiago
Regional Hearing Clerk
U.S. EPA, Region 1
5 Post Office Square – Suite 100
Mail Code: ORA18-1
Boston, Massachusetts 02109-3912

79. Respondent shall also serve a copy of the Answer, as well as a copy of all other documents that Respondent files in this action, to Steven Schlang, the attorney assigned to represent Complainant in this matter, and the person who is designated to receive service in this matter under 40 C.F.R. § 22.5(c)(4), at the following address:

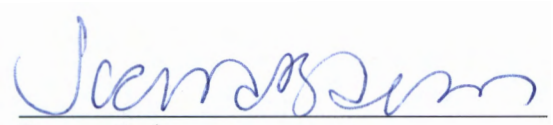
Steven Schlang
Enforcement Counsel
U.S. EPA, Region 1
5 Post Office Square – Suite 100
Mail Code: OES04-4
Boston, Massachusetts 02109-3912

80. If Respondent fails to file a timely Answer to the Amended Complaint, Respondent may be found to be in default, pursuant to 40 C.F.R. § 22.17 of the Consolidated Rules of Practice. For purposes of this action only, default by Respondent constitutes an admission of all facts alleged in the Amended Complaint and a waiver of Respondent's right to contest such factual allegations under Section 16(a)(2)(A) of TSCA. Pursuant to 40 C.F.R. § 22.17(d), the penalty assessed in the default order shall become due and payable by Respondent, without further proceedings, thirty (30) days after the default order becomes final.

IX. SETTLEMENT CONFERENCE

81. Whether or not a hearing is requested upon filing an Answer, Respondent may confer informally with Complainant or her designee concerning the violations alleged in this Amended Complaint. Such conference provides Respondent with an opportunity to respond informally to

the allegations, and to provide whatever additional information may be relevant to the disposition of this matter. To explore the possibility of settlement, Respondent or Respondent's counsel should contact Steven Schlang, Enforcement Counsel, at the address cited above or by calling 617-918-1773. Please note that a request for an informal settlement conference by Respondent does not automatically extend the 20-day time period within which a written Answer must be submitted in order to avoid becoming subject to default.



Joanna Jerison
Legal Enforcement Manager
Office of Environmental Stewardship
U.S. EPA, Region 1

11/5/12
Date

TABLE 1
Renovations Completed by Respondent between May and July 2009

Address
111 Sherman Street, Belmont, MA
135 Grampian Way, Dorchester, MA
60 Moraine Street, Jamaica Plain, MA
4 Greenough Avenue, Jamaica Plain, MA
105 Gulliver Street, Milton, MA
60 Fairbanks Road, Milton, MA
80 Standish Road, Watertown, MA
59 Moraine Street, Jamaica Plain, MA
66 Holly Road, Marion, MA
226 Devonshire Drive, Cheshire, MA
135 Watson Road, Belmont, MA
56 Wendell Park, Milton, MA
198 Edgewood Avenue, Longmeadow, MA
29 Decorie Drive, Wilbraham, MA
34 Decorie, Wilbraham, MA
109 Concord Road, Sudbury, MA
46 Filmore, Plymouth, MA
32 Robbins Road, Watertown, MA
128 Dakin Road, Sudbury, MA
43 Fort Street, Fairhaven, MA
30 Cedar Creek Lane, Sudbury, MA
1322 Quincy Shore Drive, Quincy, MA
91 Dickens Street , Quincy, MA
36 Maplewood Terrace, Springfield, MA
435 Washington Street, Norwood, MA
11 Checkerberry Circle, Sudbury, MA
108 Cedar Hill Road, Northborough, MA
452 Dutton Road, Sudbury, MA
14 Great Meadow Road, Newton, MA
877 Chestnut Street, Newton, MA
41 Rice Road, Quincy, MA
23 Water Street, Arlington, MA
11 Northern Avenue, Beverly, MA
212 Lexington Avenue, Cambridge, MA
4 Maplewood Road, Wilbraham, MA
5 Field Road, Gloucester, MA
27 Porter Terrace, Beverly, MA
217 Massapoag Avenue, North Easton, MA
96 Liberty Street, Danvers, MA
3 Peach Tree Lane, Danvers, MA
6 Robinhood Road, Natick, MA
1 Wampatuck Road, Quincy, MA

29 Moffit/Moffat Road, Quincy, MA
703 Oak Street, Franklin, MA
56 Old Lane, Springfield, MA
91 Standish Road, Watertown, MA
44 Beaverdam Road, Natick, MA
36 Pleasant Street, Marion, MA
97 Standish Road, Watertown, MA
26 Lawndale Road, Milton, MA
37 Cummings Road, Newton, MA
22 Harriett Road, Gloucester, MA
10 Glenn Drive, Franklin, MA
168 Lexington Avenue, Cambridge, MA
5 Cedar Oak Drive, Wilbraham, MA
46 Whittemore Road, Sturbridge, MA
91 Standish Road, Watertown, MA
98 Garland Road, Newton, MA
69 Myrick Lane, Harvard, MA
82-84 Paul Gore Street, Jamaica Plain, MA
17 Stearns Street, Newton, MA
9 Chequesett Road, Reading, MA
184 Forest Street, South Hamilton, MA
10 Captain Forbush Lane, Acton, MA
6 Captain Forbush Lane, Acton, MA
11 Puritan Road, Beverly,MA
10 Harlow Street, Foxboro, MA
175 Conant Street, Concord, MA
131 Laurel Street, Melrose, MA
281 Concord Road, Wayland, MA
17 Eliot Road, Belmont, MA
45 Elm Street, Milton, MA
107 Sears Road, Wayland, MA
21 Adams Lane, Wayland, MA
48 Draper Road, Wayland, MA