

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

In the Matter of:

Midwest College Painters, LLC,

Respondent.

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) Docket No. TSCA-05-2013-0003  
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AFFIDAVIT OF *Steve M. Smith*

I, Steve M. Smith, declare as follows:

1. I am employed by the State of Michigan Department of Community Health (MDCH), Healthy Homes Section (HHS) located at 201 Townsend, Fourth Floor, Lansing, Michigan 48913, where I have been employed from October 1, 2003, to the present. I am employed as a Compliance Officer/Industrial Hygienist, reporting to Wesley Priem, the Section Manager.
2. I am a resident of the State of Michigan.
3. My duties as a Compliance Officer include, among other things, the service of documents on parties.
4. On or about January 17, 2013, my supervisor assigned me to personally serve a package of documents (the "package") on Mr. Antonio Lombardo (Lombardo), the resident agent of Midwest College Painters, LLC.
5. The package consisted of the following:
  - a. The United States Environmental Protection Agency's Complaint *In the Matter of Midwest College Painters, LLC* (Docket No. TSCA-05-2013-0003), stamped as filed January 9, 2013;

- b. 40 C.F.R. Part 22, the “Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits” (7-1-12 Edition); and
- c. The “Consolidated Enforcement Response and Penalty Policy for the Pre-Renovation Education Rule; Renovation, Repair and Painting Rule; and Lead-Based Paint Activities Rule,” dated August 2010.

6. On January 28, 2013, Mr. James A. Copeland, Compliance Officer/Industrial Hygienist with HHS, and I went to 519 East Edgewood Boulevard, Apartment 707, Lansing, Michigan 48911-5920.

7. At approximately 3:15 P.M. Mr. Copeland and I entered the apartment building. Mr. Copeland knocked on the door of apartment 707. Lombardo opened the door. Mr. Copeland and I recognized him immediately. Mr. Copeland inquired “Tony Lombardo?” Lombardo responded “yes”. Mr. Copeland informed Lombardo that he had a package from the U.S. Environmental Protection Agency and asked Lombardo to sign on the signature line of the certificate of service. Lombardo signed without reservation.

8. Mr. Copeland then served the Environmental Protection Agency package on Midwest College Painters, LLC by giving it to the person identifying himself as Mr. Antonio Lombardo, the resident agent of Midwest College Painters, LLC.

9. I declare, pursuant to 28 U.S.C. § 1746, under penalty of perjury that the foregoing is true and correct.

Executed on January 29, 2013.

**RECEIVED**  
FEB 04 2013  
REGIONAL HEARING CLERK  
USEPA  
REGION 5



Steve M. Smith  
Compliance Officer/Industrial Hygienist  
MDCH-Healthy Homes Section

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**AFFIDAVIT OF *James A. Copeland***

I, James A. Copeland, declare as follows:

1. I am employed by the State of Michigan Department of Community Health (MDCH), Healthy Homes Section (HHS) located at 201 Townsend, Fourth Floor, Lansing, Michigan 48913, where I have been employed from February 23, 2009, to the present. I am employed as a Compliance Officer/Industrial Hygienist, reporting to Wesley Priem, the Section Manager.

2. I am a resident of the State of Michigan.

3. My duties as a Compliance Officer include, among other things, the service of documents on parties.

4. On or about January 17, 2013, my supervisor assigned me to personally serve a package of documents (the "package") on Mr. Antonio Lombardo (Lombardo), the resident agent of Midwest College Painters, LLC.

5. The package consisted of the following:

- a. The United States Environmental Protection Agency's Complaint *In the Matter of Midwest College Painters, LLC* (Docket No. TSCA-05-2013-0003), stamped as filed January 9, 2013;

- b. 40 C.F.R. Part 22, the “Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits” (7-1-12 Edition); and
- c. The “Consolidated Enforcement Response and Penalty Policy for the Pre-Renovation Education Rule; Renovation, Repair and Painting Rule; and Lead-Based Paint Activities Rule,” dated August 2010.

6. On January 28, 2013, Mr. Steve M. Smith, Compliance Officer/ Industrial Hygienist with HHS, and I went to 519 East Edgewood Boulevard, Apartment 707, Lansing, Michigan 48911-5920.

7. At approximately 3:15 P.M. Mr. Smith and I entered the apartment building. I knocked on the door of apartment 707. Lombardo opened the door. Mr. Smith and I recognized him immediately. I inquired “Tony Lombardo?” Lombardo responded “yes”. I informed Lombardo that he had a package from the U.S. Environmental Protection Agency and asked Lombardo to sign on the signature line of the certificate of service. Lombardo signed without reservation.

8. I then served the Environmental Protection Agency package on Midwest College Painters, LLC by giving it to the person identifying himself as Mr. Antonio Lombardo, the resident agent of Midwest College Painters, LLC.

9. I declare, pursuant to 28 U.S.C. § 1746, under penalty of perjury that the foregoing is true and correct.

Executed on January 29, 2013.

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\_\_\_\_\_  
James A. Copeland  
Compliance Officer/Industrial Hygienist  
MDCH-Healthy Homes Section

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CERTIFICATE OF SERVICE

I hereby certify that on this 28 day of January, 2013, at on or about 3:15 P.M., I personally served the United States Environmental Protection Agency's Complaint *In the Matter of Midwest College Painters, LLC* (Docket No. TSCA-05-2013-0003), along with a copy each of 40 C.F.R. Part 22, the "Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits" (7-1-12 Edition), and the "Consolidated Enforcement Response and Penalty Policy for the Pre-Renovation Education Rule; Renovation, Repair and Painting Rule; and Lead-Based Paint Activities Rule," dated August 2010, on the following individual:

Mr. Antonio Lombardo  
Resident Agent  
Midwest College Painters, LLC  
519 East Edgewood Boulevard, Apartment 707  
Lansing, Michigan 48911-5920

Documents Served By:

Signature: \_\_\_\_\_

James A. Copeland  
James A. Copeland, Compliance Officer  
MDCH – Healthy Homes Section  
201 Townsend – Fourth Floor  
Lansing, Michigan 48913  
517-335-9390

Date:

January 28, 2013

Documents Received By:

Signature: \_\_\_\_\_

Mr. Antonio Lombardo  
Resident Agent  
Midwest College Painters, LLC  
519 East Edgewood Boulevard, Apartment 707  
Lansing, Michigan 48911-5920

Date: \_\_\_\_\_

I hereby certify that the following individual refused to accept delivery and / or sign acknowledgement of receipt.

Mr. Antonio Lombardo  
Resident Agent  
Midwest College Painters, LLC  
519 East Edgewood Boulevard, Apartment 707  
Lansing, Michigan 48911-5920

Refusal witnessed by:

Signature: \_\_\_\_\_

Steve Smith, Compliance Officer  
MDCH – Healthy Homes Section  
201 Townsend – Fourth Floor  
Lansing, Michigan 48913  
517-335-9390

Date: \_\_\_\_\_

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