



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION I  
5 POST OFFICE SQUARE, SUITE 100  
BOSTON, MA 02109-3912

September 30, 2019

RECEIVED

SEP 30 2019

EPA ORC  
Office of Regional Hearing Clerk

**BY HAND**

Wanda Santiago, Regional Hearing Clerk  
U.S. Environmental Protection Agency  
Region 1 (ORC 04-6)  
5 Post Office Square, Suite 100  
Boston, MA 02109-3912

Re: *In the matter of Modern Coastal Builders*, Docket No. TSCA-01-2019-0056

Dear Ms. Santiago:

Enclosed for filing are the following original documents, and one copy of each, relating to the above-referenced matter:

1. Administrative Complaint and Notice of Opportunity for Hearing; and
2. Certificate of Service.

Kindly file the documents in the usual manner. Thanks very much for your help.

Very truly yours,

A handwritten signature in black ink, appearing to read "Michael Wagner".

Michael Wagner  
Senior Enforcement Counsel

Enclosures

cc: Gino Ranaldi  
Jordan Alves, EPA Region 1

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 1**

\_\_\_\_\_  
In the Matter of: )  
)  
Modern Coastal Builders, LLC )  
244 High Street, Unit 1 )  
Newburyport, Massachusetts 01950 )  
)  
Respondent. )  
)  
Proceeding under Section 16(a) of the )  
Toxic Substances Control Act, )  
42 U.S.C. § 2615(a) )  
\_\_\_\_\_ )

**Docket No.  
TSCA-01-2019-0056**

**COMPLAINT AND  
NOTICE OF  
OPPORTUNITY FOR  
HEARING**

RECEIVED

SEP 30 2019

EPA ORC  
Office of Regional Hearing Clerk

**COMPLAINT**

**I. STATUTORY AND REGULATORY BACKGROUND**

1. This Administrative Complaint and Notice of Opportunity for Hearing (“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, Issuance of Compliance or Corrective Action Orders, and the Revocation, Termination or Suspension of Permits (“Consolidated Rules of Practice”), 40 C.F.R. Part 22. Complainant is the Director of the Enforcement and Compliance Assurance Division, U.S. Environmental Protection Agency (“EPA”), Region 1. Respondent, Modern Coastal Builders, LLC (“Modern Coastal” or “Respondent”), is hereby notified of Complainant’s determination that Respondent has violated Sections 15 and 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 “Residential Property Renovation,” 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.

2. 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.

3. 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 TSCA, 15 U.S.C. § 2682(b). 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 (the “Renovation, Repair and Painting Rule” or the “RRP Rule” and the “Lead-Based Paint Activities Rule,” respectively).

4. Pursuant to 40 C.F.R. § 745.82, the regulations in 40 C.F.R. Part 745, Subpart E apply to all renovations performed for compensation in “target housing” and “child-occupied facilities.” The definition of “renovation” includes the renovation of a building for the purpose of converting of a building or portion of a building to target housing. “Target housing” is defined as any housing constructed prior to 1978, except housing for the elderly or disabled (unless any

child who is less than six years old resides or is expected to reside in such housing), or any 0-bedroom dwelling. Child-occupied facility is defined as a building or portion of a building, constructed prior to 1978, visited regularly by the same child, under six years of age, on at least two different days with in any week . . . provided that each day's visit lasts at least 3 hours and the combined weekly visit lasts at least six hours, and the combined annual visits last at last 60 hours. 40 C.F.R. § 745.83. Child-occupied facilities may include, but are not limited to, day care centers, preschools and kindergarten classrooms. They may be located in target housing or in public or commercial buildings. 40 C.F.R. § 745.83

5. 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 child-occupied facilities, and the establishment and maintenance of records.

6. 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.

7. 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.

8. 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 violation per day of the RRP Rule. Pursuant to the Debt

Collection Improvement Act of 1996, 31 U.S.C. § 3701 note, and EPA’s Civil Monetary Penalty Inflation Adjustment Rule set forth at 40 C.F.R. Part 19 (“Penalty Inflation Rule”), each such TSCA violation that occurred after December 6, 2013, is subject to penalties of up to \$37,500 per day per violation. *See* 78 Fed. Reg. 66643 (November 6, 2013). Pursuant to the 2015 Federal Civil Penalties Inflation Adjustment Act of 1990, 28 U.S.C. § 2461 note, and the 2019 Penalty Inflation Rule, the \$37,500 maximum penalty was raised to \$39,873 for each such violation that occurs after November 2, 2015, and for which penalties are assessed on or after February 6, 2019. *See* Pub. L.114-74, Section 701 (Nov. 2, 2015); 84 Fed. Reg. 2056 (February 6, 2019).

## **II. GENERAL ALLEGATIONS**

9. Respondent is a limited liability corporation registered in Massachusetts with its principal place of business located at 244 High Street, Unit 1, Newburyport, Massachusetts. Respondent is a residential construction and renovation company. Geno Ranaldi is the owner and manager of Respondent.

10. In 2018, Respondent was hired by NOWA Exchange Properties, LLC, to renovate a four-unit residential building located at 189 Front Street, Exeter, New Hampshire (“189 Front Street”). Specifically, Respondent was hired to perform siding replacement, window replacement, kitchen and bathroom renovations and flooring replacement. NOWA Exchange Properties, LLC is the owner of 189 Front Street. Mr. Ranaldi also is the manager of NOWA Exchange Properties, LLC.

11. Mr. Ranaldi hired Kevin Seckendorf and Stephen Seckendorf to assist in the renovation activities at 189 Front Street.

12. 189 Front Street was constructed in 1900.

13. At all times relevant to this Complaint, 189 Front Street was “target housing,” as defined in 40 C.F.R. § 745.83. Furthermore, the building did not satisfy the requirements for an exemption to the provisions of TSCA or the RRP Rule.

14. Respondent’s renovation activities at 189 Front Street disturbed more than six square feet of painted surface on the interior of the building, and 20 square feet of painted surface on the exterior of the building.

15. At all times relevant to the allegations in this Complaint, Respondent’s renovation activities at 189 Front Street constituted a “renovation,” as defined in 40 C.F.R. § 745.83.

16. At all times relevant to the allegations in this Complaint, the renovation at 189 Front Street was a “renovation for compensation” subject to the RRP Rule. *See* 40 C.F.R. § 745.82. Furthermore, the renovation at 189 Front Street did not satisfy the requirements for an exemption to the provisions of the RRP Rule. *See* 40 C.F.R. §§ 745.82(a) and (b) and 745.83.

17. At all times relevant to the allegations in this Complaint, Respondent was a “renovator” as defined in 40 C.F.R. § 745.83.

18. At all times relevant to the allegations in this Complaint, Respondent was a “firm,” as defined in 40 C.F.R. § 745.83.

19. On September 10, 2018, the New Hampshire Department of Environmental Services, Air Resources Division stopped the renovation at 189 Front Street due to improper treatment of transite siding, a commonly used asbestos-containing building material.

20. On September 19, 2018, an authorized representative of EPA conducted a visual inspection of 189 Front Street (“Visual Inspection”). On September 20, 2018, authorized representatives of EPA met with Mr. Ranaldi at an off-site location to determine Respondent’s compliance with the RRP Rule (“Inspection”). During the Inspection, Mr. Ranaldi told the EPA

inspectors that he was not a certified firm pursuant to the RRP Rule, and that none of the workers at the site were certified as individual renovators pursuant to the RRP Rule. Moreover, at the time of the Visual Inspection, paint chips and construction debris were scattered throughout the work site and in nearby driveways and walkways. In addition, there was an uncovered dumpster on the property of 189 Front Street.

21. As a result of the Visual Inspection and the Inspection, Complainant has identified the following violations of Section 409 of TSCA, the Residential Lead-Based Paint Hazard Reduction Act of 1992, and the RRP Rule, as set forth at 40 C.F.R. Part 745, Subpart E.

### **III. VIOLATIONS**

#### **Count 1 – Failure to obtain EPA Firm Certification**

22. Complainant incorporates by reference paragraphs 1 through 21.

23. Pursuant to 40 C.F.R. § 745.81(a)(2), no firm may perform, offer, or claim to perform renovations in target housing or child-occupied facilities without certification from EPA under 40 C.F.R. § 745.89, unless the renovation is exempt under 40 C.F.R. § 745.82. Pursuant to 40 C.F.R. § 745.89(a)(1), firms performing renovations for compensation must apply to EPA for certification to perform renovations.

23. Beginning in August 2018, Respondent conducted the renovation activities at 189 Front Street without having obtained firm certification.

24. Respondent's renovation of 189 Front Street without having applied for and obtained firm certification pursuant to 40 C.F.R. § 745.89 constitutes a violation of 40 C.F.R. §§ 745.81(a)(2) and 745.89(a)(1), and TSCA Section 409.

25. The above-listed violation alleged in this count is a prohibited act under TSCA Section 409 and 40 C.F.R. § 745.87(a,) and is a violation for which a penalty may be assessed pursuant to Section 16 of TSCA.

**Count 2 - Failure to Assign a Certified Renovator**

26. Complainant incorporates by reference paragraphs 1 through 25.

27. Pursuant to 40 C.F.R. § 745.89(d), firms performing renovations must ensure that (1) 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 § 745.90, and (2) a certified renovator is assigned to each renovation performed by the firm and discharges all of the certified renovator responsibilities identified in § 745.90.

28. During the Inspection, Mr. Rinaldi admitted that he did not assign a certified renovator to the renovation at 189 Front Street.

30. Respondent's failure to assign a certified renovator to the renovation project at 189 Front Street constitutes a violation of 40 C.F.R §§ 745.89(d)(1) and (2), and Section 409 of TSCA.

31. The above-listed violation alleged in this count is a prohibited act under TSCA Section 409 and 40 C.F.R. § 745.87, and a violation for which a penalty may be assessed pursuant to Section 16 of TSCA.

**Count 3 – Failure to Cover Ground with Plastic Sheeting**

32. Complainant incorporates by reference paragraphs 1 through 31.

33. Pursuant to 40 C.F.R. § 745.89(d)(3), firms performing renovations must ensure that all renovations performed by the firm are performed in accordance with the work practice standards in 40 C.F.R. § 745.85. Pursuant to 40 C.F.R. § 745.85(a)(2)(ii)(C), the firm must



cover the ground with plastic sheeting or other disposable impervious material extending 10 feet beyond the perimeter of the 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.

34. At the time of the Visual Inspection, paint chips and construction debris were scattered throughout the work site at 189 Front Street, and in a nearby driveway and walkway. Respondent had not covered the ground with plastic sheeting or other impermeable material extending 10 feet beyond the perimeter of the building at which the renovation was being performed.

35. Respondent's failure to cover the ground with plastic sheeting or other impermeable material constitutes a violation of 40 C.F.R. §§ 745.89(d)(3) and 745.85(a)(2)(ii)(C), and TSCA Section 409.

36. The above-listed violation alleged in this count is a prohibited act under TSCA Section 409 and 40 C.F.R. § 745.87, and a violation for which a penalty may be assessed pursuant to Section 16 of TSCA.

**Count 4 - Failure to Provide Pre-Renovation Education Information**

37. Complainant incorporates by reference paragraphs 1 through 36.

38. Pursuant to 40 C.F.R. § 745.84(a)(1), no more than 60 days before beginning renovation activities in any residential dwelling unit of target housing, a firm must provide lead hazard information in the form of an EPA pamphlet to the owner of the unit, and obtain a written acknowledgement of receipt or certificate of mailing such pamphlet, in the manner specified at 40 C.F.R. § 745.84(a)(1)(i) and (ii). Pursuant to 40 C.F.R. § 745.84(a)(2), if the owner does not occupy the dwelling unit, the firm must provide the adult occupant of the unit with the pamphlet,

and obtain a written acknowledgment of receipt or certificate of mailing such pamphlet, in the manner specified in 40 C.F.R. § 745.84(a)(2)(i) and (ii).

39. At the time of the 189 Front Street renovation, three of the units in the building were vacant, and one was occupied by a tenant. Respondent did not provide a lead hazard information pamphlet to the owner or the tenant before commencing renovation activities at 189 Front Street.

40. Respondent's failure to provide a pamphlet to the owner and an adult occupant of 189 Front Street prior to commencing renovation activities at the property violated 40 C.F.R. §§ 745.84(a)(1) and (2), and Section 409 of TSCA.

41. The above-listed violation alleged in this count is a prohibited act under TSCA Section 409 and 40 C.F.R. § 745.87, and a violation for which a penalty may be assessed pursuant to Section 16 of TSCA.

#### **Count 5 - Failure to Maintain Compliance Records**

42. Complainant incorporates by reference paragraphs 1 through 41.

43. Pursuant to 40 C.F.R. § 745.86(a), firms performing renovations in target housing must retain for a period of at least three (3) years following completion of a renovation all records necessary to demonstrate compliance with 40 C.F.R. Part 745, Subpart E. The records to be retained include, in pertinent part, written proof of receipt or delivery of pre-renovation education information (the pamphlet) pursuant to 40 C.F.R. § 745.86(b)(2) through (4), as well as documentation of compliance with work practice standards and certified renovator requirements pursuant to 40 C.F.R. § 745.86(b)(6).

44. With respect to the 189 Front Street renovation, Respondent did not retain all records necessary to demonstrate compliance with the RRP Rule.

45. Respondent's failure to retain all records necessary to demonstrate compliance with the RRP Rule violated 40 C.F.R. §§ 745.86(a) and (b).

46. The above-listed violation alleged in this count is a prohibited act under TSCA Section 409 and 40 C.F.R. § 745.87, and a violation for which penalties may be assessed pursuant to Section 16 of TSCA.

#### **IV. PROPOSED PENALTY**

47. In determining the amount of any penalty to be assessed, Section 16 of TSCA requires Complainant to 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.

48. To assess a penalty for the alleged violations in this Complaint, Complainant has taken 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 Policy for the Pre-Renovation Education Rule; Renovation, Repair and Painting Rule; and Lead-Based Paint Activities Rule" (the "LBP Consolidated ERPP"), a copy of which is enclosed with this Complaint. The LBP Consolidated ERPP provides a rational, consistent, and equitable calculation methodology for applying the statutory penalty factors enumerated above to particular cases. Complainant proposes that Respondent be assessed a civil penalty in the amount of **twenty thousand two hundred fifty-nine dollars (\$20,259.00)** for the TSCA violations alleged in this Complaint. (See Attachment I to this Complaint explaining the reasoning for this penalty.) The provisions violated and the corresponding penalties are as follows:

<b>REQUIREMENT</b>	<b>PROVISION</b>	<b>PENALTY</b>
Failure to Obtain Firm Certification	40 C.F.R. § 745.81(a)(2)	\$4,667
Failure to Assign a Certified Renovator	40 C.F.R. § 745.89(d)(1) and (2) and 40 C.F.R. § 745.81(a)(2)	\$4,667
Failure to Cover Ground With Plastic Sheeting	40 C.F.R. §§ 745.89(d)(3) and 745.85(a)(2)(ii)(C)	\$6,223
Failure to Provide Pamphlet	40 C.F.R. § 745.84(a)(1) and (2)	\$4,080
Failure to Maintain Records	40 C.F.R. §§ 745.86(a) and (b)	\$622
<b>Total Penalty</b>		<b>\$20,259</b>

49. The proposed penalty may be adjusted if Respondents establish *bona fide* issues or defenses relevant to the appropriate amount of the penalty. Respondents shall pay the civil penalty with a cashier's or certified check, payable to the Treasurer, United States of America. Respondent should note on the check the docket number of this Complaint (EPA Docket No. TSCA-01-2019-0056). The check shall be forwarded to:

U.S. Environmental Protection Agency  
Fines and Penalties  
P.O. Box 979077  
St. Louis, MO 63197-9000

In addition, at the time of payment, notice of payment of the civil penalty and copies of the check should be forwarded to:

Wanda I. Santiago  
Regional Hearing Clerk  
U.S. Environmental Protection Agency – Region 1  
5 Post Office Square, Suite 100 (ORC 4-6)  
Boston, Massachusetts 02109-3912

and

Andrea Simpson  
Senior Enforcement Counsel  
U.S. Environmental Protection Agency – Region 1  
5 Post Office Square, Suite 100 (ORC 4-2)  
Boston, MA 02109-3912

49. Neither the assessment nor payment of an administrative penalty shall affect Respondent's continuing obligation to comply with all applicable requirements of federal law.

**V. NOTICE OF OPPORTUNITY TO REQUEST A HEARING**

50. 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 Complaint. Any such hearing would be conducted in accordance with EPA's Consolidated Rules of Practice, 40 C.F.R. Part 22, a copy of which is enclosed with this Complaint. Any request for a hearing must be included in Respondent's written Answer to this Complaint ("Answer") and filed with the Regional Hearing Clerk at the address listed below within thirty (30) days of receipt of this Complaint.

51. The Answer shall clearly and directly admit, deny, or explain each of the factual allegations contained in the 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 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.

52. 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: ORC 4-6  
Boston, Massachusetts 02109-3912

53. 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 Andrea Simpson, 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:

Andrea Simpson  
Senior Enforcement Counsel  
U.S. EPA, Region 1  
5 Post Office Square, Suite 100  
Mail Code: ORC 4-2  
Boston, Massachusetts 02109-3912

54. If Respondent fails to file a timely Answer to the 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 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

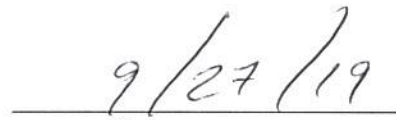
by Respondent, without further proceedings, thirty (30) days after the default order becomes final.

55. The filing of service of documents other than the complaint, rulings, orders, and decisions, in all cases before the Region 1 Regional Judicial Officer governed by the Consolidated Rules of Practice may be filed and served by email, consistent with the “Standing Order Authorizing Filing and Service by E-mail in Proceedings Before the Region 1 Regional Judicial Officer,” a copy of which has been provided with the Complaint.

#### **VI. SETTLEMENT CONFERENCE**

56. Whether or not a hearing is requested upon filing an Answer, Respondent may confer informally with Complainant or his designee concerning the violations alleged in this 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 Andrea Simpson, Senior Enforcement Counsel, at the address cited above or by calling (617) 918-1738. Please note that a request for an informal settlement conference by Respondent does not automatically extend the 30-day time period within which a written Answer must be submitted in order to avoid becoming subject to default.

  
 \_\_\_\_\_  
 Karen McGuire, Director  
 Enforcement and Compliance Assurance Division  
 U.S. EPA, Region 1

  
 \_\_\_\_\_  
 Date

## ATTACHMENT I

### **In the Matter of Modern Coastal Builders LLC**

**Docket Number: TSCA-01-2019-0056**

#### EXPLANATION OF PROPOSED PENALTY

The following provides the justification for the proposed penalty calculation in the administrative penalty action against Modern Coastal Builders LLC, which proposes a civil penalty in the amount of **\$20,259** for alleged violations of the Renovation, Repair and Painting (“RRP”) Rule. The penalty was calculated according to EPA’s August 2010 *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”). A breakdown of the penalty by count is set forth below.

#### **COUNT I. – Failure of a Firm to Obtain Initial Certification**

**Provision Violated:** 40 C.F.R. § 745.81(a)(2)(ii) requires that all firms performing renovations for compensation must apply to EPA for certification to perform renovations or dust sampling. No firm may perform, offer, or claim to perform renovations without certification from EPA under 40 C.F.R. § 745.89 in target housing or child-occupied facilities, unless the renovation qualifies for one of the exceptions identified in 40 C.F.R. § 745.82.

**Circumstance Level:** The failure to obtain certification from EPA prior to performing renovations results in a *medium probability* of impacting human health and the environment because a firm that is not certified by EPA is less likely to comply with the work practice standards of 40 C.F.R. § 745.85. As a result, under the LBP Consolidated ERPP Appendix A, a violation of 40 C.F.R. § 745.81(a)(2)(ii) is a *Level 3a* violation.

**Extent of Harm:** The potential for harm is measured by the age of children living in the target housing and the presence of pregnant women living in the target housing. Children under the age of six are most likely to be adversely affected by the presence of lead-based paint and lead-based paint hazards, because of how they play and ingest materials from their environment, and because of their vulnerability due to their physical development. The harmful effects that lead can have on children under the age of six warrants a *major* extent factor. Children between the ages of six and eighteen may be adversely affected by the presence of lead-based paint and lead-based paint hazards because of their vulnerability due to their physical development. The harmful effects that lead can have on children between the ages of six and eighteen warrant a *significant* extent factor. The documented absence of children or pregnant women warrants a *minor* extent factor.



Respondent Modern Coastal Builders LLC failed to obtain firm certification before conducting a renovation at the following target housing unit<sup>1</sup>:

Respondent/ General Contractor	Work Site Address	Description of RRP Work	Work Date	Children/ Ages	Circumstance/ Extent of Harm Levels	Gravity- Based Penalty
Modern Coastal Builders LLC	189 Front Street, Exeter, NH	Gut Renovation of 4-unit rental property	Beginning September 2018	None	3a/Minor	\$4,667

**COUNT II. – Failure to Assign a Certified Renovator**

**Provision Violated:** 40 C.F.R. § 745.89(d) requires that all firms performing renovations must ensure that all (1) 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 § 745.90, and (2) a certified renovator is assigned to each renovation performed by the firm and discharges all of the certified renovator responsibilities identified in § 745.90.

**Circumstance Level:** The failure to ensure that a certified renovator is assigned to the renovation results in a *medium probability* of a renovation firm failing to comply with the work practice standards of 40 C.F.R § 745.85. As a result, under the LBP Consolidated ERPP Appendix A, a violation of 40 C.F.R. § 745.89(d) is a *Level 3a* violation.

**Extent of Harm:** The LBP Consolidated ERPP takes into consideration the risk factors for exposure to lead-based paint and lead-based paint hazards. The potential for harm is measured by the age of children living in the target housing and the presence of pregnant women living in the target housing. Children under the age of six are most likely to be adversely affected by the presence of lead-based paint and lead-based paint hazards, because of how they play and ingest materials from their environment, and because of their vulnerability due to their physical development. The harmful effects that lead can have on children under the age of six warrants a *major* extent factor. Children between the ages of six and eighteen may be adversely affected by the presence of lead-based paint and lead-based paint hazards because of their vulnerability due to their physical development. The harmful effects that lead can have on children between the ages of six and eighteen warrant a *significant* extent factor. The absence of children or pregnant women warrants a *minor* extent factor.

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<sup>1</sup> The failure to obtain firm certification is considered a one-time violation. Therefore, EPA is proposing this penalty for the renovation job that is the subject of the complaint performed by Respondent Modern Coastal Builders, LLC.

Respondent Modern Coastal Builders LLC failed to assign a certified renovator to the following renovation projects:

Respondent/ General Contractor	Work Site Address	Description of RRP Work	Work Date	Childre n/Ages	Circumstance/ Extent of Harm Levels	Gravity- Based Penalty
Modern Coastal Builders LLC	189 Front Street, Exeter, NH	Gut Renovation of 4-unit rental property	Beginning September 2018	None	3a/Minor	\$4,667

**COUNT III. - Failure to Properly Contain Exterior Work Area**

**Provision Violated:** Failure to properly contain exterior work area by covering the ground with plastic to collect falling paint debris; 40 C.F.R. §§ 745.89(d)(3) and 745.85(a)(2)(ii)(C).

**Circumstance Level:** The failure to establish and maintain records demonstrating compliance with the RRP results in a *high probability* of impacting human health and the environment due to exposure to lead-based paint, lead dust, and debris. As a result, under the LBP Consolidated ERPP Appendix A, a violation of 40 C.F.R. §§ 745.89(d)(3) and 745.85(a)(2)(ii)(C) and is a *Level 2a* violation.

**Extent of Harm:** The LBP Consolidated ERPP takes into consideration the risk factors for exposure to lead-based paint and lead-based paint hazards. The potential for harm is measured by the age of children living in the target housing and the presence of pregnant women living in the target housing. Children under the age of six are most likely to be adversely affected by the presence of lead-based paint and lead-based paint hazards, because of how they play and ingest materials from their environment, and because of their vulnerability due to their physical development. The harmful effects that lead can have on children under the age of six warrants a *major* extent factor. Children between the ages of six and eighteen may be adversely affected by the presence of lead-based paint and lead-based paint hazards because of their vulnerability due to their physical development. The harmful effects that lead can have on children between the ages of six and eighteen warrant a *significant* extent factor. The absence of children or pregnant women warrants a *minor* extent factor.

Respondent Modern Coastal Builders LLC failed to properly contain the work, warranting a *minor* extent factor.

Respondent Modern Coastal Builders LLC failed to properly contain the work, warranting a *minor* extent factor.

Respondent/ General Contractor	Work Site Address	Description of RRP Work	Work Date	Children/ Ages	Circumstance/ Extent of Harm Levels	Gravity- Based Penalty
Modern Coastal Builders LLC	189 Front Street, Exeter, NH	Gut Renovation of 4-unit rental property	Beginning September 2018	None	2a/Minor	\$6,223

**COUNT IV. – Failure to provide the adult occupant of the unit with the EPA-approved lead hazard information pamphlet**

**Provision Violated:** 40 CFR 745.84(a)(1) requires that all firms performing renovations for compensation must provide or attempt to provide the adult occupant with an EPA-approved lead hazard information pamphlet.

**Circumstance Level:** The failure to provide the owner and adult occupant of a unit with the EPA-approved lead hazard information pamphlet pursuant to 40 CFR 745.84(a)(1) and (2) may result in a *high probability* of impacting human health and the environment if an occupant that is not informed of the RRP standards of 40 C.F.R § 745.85. As a result, under the LBP Consolidated ERPP Appendix A, a violation of 40 C.F.R. §§ 745.84(a)(1) and (2) is a *Level 1b* violation.

**Extent of Harm:** The potential for harm is measured by the age of children living in the target housing and the presence of pregnant women living in the target housing. Children under the age of six are most likely to be adversely affected by the presence of lead-based paint and lead-based paint hazards, because of how they play and ingest materials from their environment, and because of their vulnerability due to their physical development. The harmful effects that lead can have on children under the age of six warrants a *major* extent factor. Children between the ages of six and eighteen may be adversely affected by the presence of lead-based paint and lead-based paint hazards because of their vulnerability due to their physical development. The harmful effects that lead can have on children between the ages of six and eighteen warrant a *significant* extent factor. The documented absence of children or pregnant women warrants a *minor* extent factor.

Respondent Modern Coastal Builders LLC failed to provide or attempt to provide the occupants of the building with an EPA-approved pamphlet.

Respondent/ General Contractor	Work Site Address	Description of RRP Work	Work Date	Children/ Ages	Circumstance/ Extent of Harm Levels	Gravity- Based Penalty
Modern Coastal Builders LLC	189 Front Street, Exeter, NH	Gut Renovation of 4-unit rental property	Beginning September 2018	None	1b/Minor	\$4,080

**COUNT V. – Failure to retain records necessary to demonstrate compliance**

**Provision Violated:** 40 C.F.R. § 745.86 requires firms to retain all records necessary to demonstrate compliance with the residential property renovation for a period of 3 years following completion of the renovation activities.

**Circumstance Level:** Failure to retain all records necessary to demonstrate compliance with the residential property renovation for a period of 3 years following completion of the renovation activities pursuant to 40 C.F.R. § 745.86 may result in a *low probability* of impacting human health and the environment. As a result, under the LBP Consolidated ERPP Appendix A, a violation of 40 C.F.R. § 745.86 is a *Level 6a* violation.

**Extent of Harm:** The potential for harm is measured by the age of children living in the target housing and the presence of pregnant women living in the target housing. Children under the age of six are most likely to be adversely affected by the presence of lead-based paint and lead-based paint hazards, because of how they play and ingest materials from their environment, and because of their vulnerability due to their physical development. The harmful effects that lead can have on children under the age of six warrants a *major* extent factor. Children between the ages of six and eighteen may be adversely affected by the presence of lead-based paint and lead-based paint hazards because of their vulnerability due to their physical development. The harmful effects that lead can have on children between the ages of six and eighteen warrant a *significant* extent factor. The documented absence of children or pregnant women warrants a *minor* extent factor.

Respondent Modern Coastal Builders LLC failed to retain records necessary to demonstrate compliance with the RRP Rule.

<b>Respondent/ General Contractor</b>	<b>Work Site Address</b>	<b>Description of RRP Work</b>	<b>Work Date</b>	<b>Children/ Ages</b>	<b>Circumstance/ Extent of Harm Levels</b>	<b>Gravity- Based Penalty</b>
Modern Coastal Builders LLC	189 Front Street, Exeter, NH	Gut Renovation of 4-unit rental property	Beginning September 2018	None	6a/Minor	\$622

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**Total: \$20,259**

Docket No. TSCA-01-2019-0056

**Certificate of Service**

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

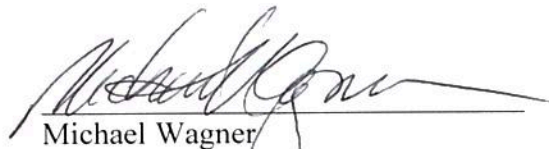
Original and One Copy  
(Hand-Delivered):

Wanda Santiago  
Regional Hearing Clerk  
U.S. EPA, Region I  
5 Post Office Square, Suite 100 (ORC 04-6)  
Boston, MA 02109-3912

Copy by Certified Mail to:

Gino Ranaldi  
Modern Coastal Builders, LLC  
244 High Street Unit 1  
Newburyport, MA 01950

Dated: September 30, 2019



Michael Wagner  
Senior Enforcement Counsel  
U.S. EPA, Region I  
5 Post Office Square, Suite 100 (ORC 04-3)  
Boston, Massachusetts 02109-3912