

CX 1 of LHP, LLC

Inspection Report and attachments for the November 9, 2012, inspection conducted by Mr. Paul Clark at 800 A Street, Lincoln, Nebraska

**EPA Region 7 TSCA §402(c) Renovation and Remodeling
Work Practices Inspection Report**

INSPECTION INFORMATION						
1.	Date of Inspection:	11/09/2012	2.	Inspector:	Paul Clark	<input checked="" type="checkbox"/> NOWCC/SEE <input type="checkbox"/> EPA Region 7
3.	Inspection Number:	PC110920121				
4.	Name of Facility/ Company	LHP, LLC				
5.	Type of Facility:	<input type="checkbox"/> General Building Contractor/Operative Builder (Renovation Firm, Individual Contractor, etc.) <input type="checkbox"/> Special Trade Contractor (Carpenter, Painter, Drywall worker/lather, "Home Improvement" Contractor, etc.) <input type="checkbox"/> Property Management Firm <input checked="" type="checkbox"/> Landlord				
6.	Location of Inspection:			<input checked="" type="checkbox"/> residence <input type="checkbox"/> common area		
		Description/Name:	Vacant single family dwelling			
		Street Address:	800 A Street			
		City:	Lincoln			
		State:	NE	Zip:	68502	
7.	Mailing Address of Facility:	Point of Contact:	Mynor Herrera			
		Telephone Number:	(402) 440-1117			
		Facility Name:	LHP, LLC			
		Street Address:	130 North 27 th Street, #6			
		City:	Lincoln			
		State:	NE	Zip:	68503	
8.	Inspection was	<input checked="" type="checkbox"/> unannounced		or	<input type="checkbox"/> scheduled in advance	
	If scheduled, when and how?	<input type="checkbox"/> by phone on		<input type="checkbox"/> by letter on		
9.	Person(s) interviewed during inspection:					
		NAME	TITLE	EMPLOYER	TELEPHONE	
		Mynor Herrera	Maintenance	LHP, LLC	(402) 440-1117	
	David Fiala	Owner	Self	(402) 304-0200		

EPA Region 7 TSCA §402(c) Renovation and Remodeling Work Practices Inspection Report

OPENING CONFERENCE

A Region VII inspection of LHP, LLC's Residential Repair and Renovation work practices was conducted at 800 A Street, Lincoln, NE 68502 to determine the level of compliance with the Toxic Substances Control Act (TSCA) Title IV – Lead Exposure Reduction, 40 CFR Part 745 – Lead-Based Paint Poisoning Prevention in Certain Residential Structures, Subpart E – Residential Property Renovation.

On 11/09/2012 at approximately 10:19 a.m., I, Paul Clark arrived at 800 A Street, Lincoln, NE 68502. Upon arrival, I was greeted by Mynor Herrera, maintenance crew leader.

Year home/facility was built

1908

Date the work started

11/06/2012

10.

I introduced myself, presented my credentials, and provided my business card to the contractor. I explained that the purpose of my visit was to conduct an inspection to determine the level of compliance with the Toxic Substances Control Act (TSCA) Title IV – Lead Exposure Reduction, 40 CFR Part 745 – Lead-Based Paint Poisoning Prevention in Certain Residential Structures, Subpart E – Residential Property Renovation. I explained that after asking for some general business information, I would observe work practices and review associated records demonstrating compliance with this sub part. I explained that the inspection would cover the scope of the renovation activity.

I asked Mr. Herrera if he had the authority to grant consent to conduct the inspection. Mr. Herrera said that he did and I presented the Notice of Inspection form, which Mr. Herrera signed and dated. A copy is included as Attachment A. I explained the TSCA Inspection Confidentiality Notice form which Mr. Herrera then signed and dated. A copy is included as Attachment B.

I explained that at the conclusion of the inspection, I would conduct a closing conference with Mr. Herrera at which time I would review any potential violations observed, explain how to avoid them in the future, and provide compliance assistance materials.

I requested a copy of the firm's RRP lead-safe firm certification.

It is included as Attachment C. One was not available to provide.

I requested a copy of the certified renovator's certificate.

It is included as Attachment D. One was not available to provide.

I requested an example of a Pre-renovation Education material receipt documentation that is currently used.

It is included as Attachment E. One was not available to provide.

I requested an example of the Renovate Right brochure used for the Pre-renovation Education Rule that is currently used.

It is included as Attachment F. One was not available to provide.

I requested a copy of the Lead Safe Work Practices documentation.

It is included as Attachment G. One was not available to provide.

I requested a copy of the RRP non-certified worker on-the-job training/lead safe work practices.

It is included as Attachment H. One was not available to provide.

I requested the RRP lead-based paint test kit documentation or a copy of an example of the RRP lead-based paint test kit documentation.

It is included as Attachment I. One was not available to provide.

**EPA Region 7 TSCA §402(c) Renovation and Remodeling
Work Practices Inspection Report**

GENERAL BUSINESS INFORMATION		
11	Name and address of business owner: LHP, LLC David Fiala 130 North 27 th Street, #6 Lincoln, NE 68503	
	Type of business:	Landlord
	Number of employees:	3
	Number of certified renovators on staff at the time of this inspection:	1
	Number of contracts completed in twelve months preceding inspection:	2 or 3
	Number of target housing units affected:	2 or 3
Description of the work occurring: Workers were in the process of scraping paint at the base of the house on the west side of the house and also the window at the south west corner of the house. Also, spray painting the house. Paint chips were being vacuumed with a Rigid brand vacuum cleaner that was not lead approved.		
MAINTAINING RECORDS AND CERTIFICATION		
12.1	Firm performing, offering or claiming to perform renovations or dust sampling for compensation obtained initial certification from EPA?	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> NA
	If firm certification needs amending due to a change in information on the application, has the firm amended its certification within 90 days?	<input type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> NA
	Firm carries out all required responsibilities during the renovation?	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> NA
	Course completion certificate(s) of renovators or dust sampling technicians maintained at the work site?	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> NA
	Observations: I contacted Mr. Herrera at the work site and asked him if he was a certified renovator and he stated no. He stated that he had been previously trained by a certified renovator named Wynona Hoech. Ms. Hoech was no longer employed by LHP, LLC. I asked Mr. Herrera to contact the owner, Mr. Fiala. I spoke briefly with Mr. Fiala who stated he was too busy and could not respond to the work site or talk on the telephone. He stated he is the assigned certified renovator for the work site and his firm is certified with the EPA. He stated he is the owner/manager of the company, LHP, LLC which also owns the residence at 800 A Street. Mr. Fiala emailed copies of the certified renovator and Certified Firm certificates to me after the inspection.	
INFORMATION DISTRIBUTION REQUIREMENTS		
12.2	<i>For a dwelling unit:</i> Owner provided with the EPA-approved lead hazard information pamphlet?	<input type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> NA
	<i>For a dwelling unit:</i> Occupant provided with the EPA-approved lead hazard information pamphlet?	<input type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> NA
	<i>For common areas:</i> Owner of multi-family housing provided with the EPA-approved lead hazard information pamphlet or informational signs posted?	<input type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> NA
	<i>For common areas:</i> Each unit of the multi-family housing notified and pamphlets made available upon request prior to the start of the renovation, or informational signs posted?	<input type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> NA
	<i>For Child-occupied Facility:</i> Building owner provided with the EPA-approved lead hazard information pamphlet?	<input type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> NA
	<i>For Child-occupied Facility:</i> Adult representative provided with the EPA-approved lead hazard information pamphlet?	<input type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> NA
	<i>For Child-occupied Facility:</i> Parents and/or guardians provided with the EPA-approved lead hazard information pamphlet?	<input type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> NA

EPA Region 7 TSCA §402(c) Renovation and Remodeling Work Practices Inspection Report

	Observations: Mr. Fiala is the owner/manager of the company, LHP, LLC which also owns the residence at 800 A Street. Mr. Herrera stated he is the maintenance crew leader for the owner, Mr. Fiala, and the house they are working on is one of the rental properties. The residence is vacant.	
TEST KITS		
12.3	EPA recognized test kit used by certified renovator on effected components to determine if lead-based paint was present?	<input type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> NA
	Is test kit documentation or copy available on site?	<input type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> NA
	Was a false negative result for lead given as a result of using an unrecognized test kit?	<input type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> NA
	Observations: Mr. Fiala stated they treated the house as if it has lead thus no lead testing was done.	
RESTRICTED PRACTICES		
12.4	Was open-flame burning or torching of lead-based paint done during renovations?	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> NA
	Were machines that remove lead-based paint through high speed operations such as sanding, grinding, power planning, needle gun, abrasive blasting, or sand blasting without their accompanying shroud or point of origin containment system connected to HEPA exhaust control?	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> NA
	Were heat guns at temperatures above 1,100° F used on lead-based paint during renovation?	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> NA
	Observations: None observed	
WORK PRACTICE STANDARDS		
13.1	Interior	
	Signs posted clearly defining the work area and warning occupants and others to remain outside the work area during the entire duration of the renovation?	<input type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> NA
	Work area cleaned until there is no dust, debris or residue?	<input type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> NA
	All objects removed from work area including furniture, rugs, and window coverings, or objects covered with plastic sheeting or impermeable material with all seams and edges taped or sealed?	<input type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> NA
	All ducts openings in the work area closed and covered with taped-down plastic sheeting or impermeable material?	<input type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> NA
	Windows and doors in the work area closed, covered with plastic sheeting or impermeable material, or when used as an entrance to the work area confines dust and debris to the work area and allows workers to pass through?	<input type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> NA
	Doors within the work area that are used while the job is being performed covered with plastic sheeting or impermeable material in a manner that allows workers to pass through while confining dust and debris?	<input type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> NA
	Floor surface covered with taped-down plastic sheeting or other impermeable material at least 6 feet beyond perimeter of renovation?	<input type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> NA
	Waste from renovation activities contained to prevent the release of dust and debris before the waste is removed from the work area for storage or disposal? Chute covered if used to remove waste from the work area?	<input type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> NA
	Waste stored under containment, in an enclosure, or behind a barrier that prevents release of and access to dust and debris at the conclusion of each work day or renovation?	<input type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> NA
Waste contained during transport to prevent the release of dust and debris?	<input type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> NA	

**EPA Region 7 TSCA §402(c) Renovation and Remodeling
Work Practices Inspection Report**

13.1	All objects and surfaces in work area and within 2 feet of work area cleaned higher to lower?	<input type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> NA
	Walls in work area cleaned starting at ceiling and working down to floor by vacuuming with HEPA vacuum or wiping with damp cloth?	<input type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> NA
	All remaining surfaces/objects in work area including furniture and fixtures vacuumed with HEPA vacuum or with HEPA vacuum equipped with beater-bar attachment for carpets, and rugs?	<input type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> NA
	All remaining surfaces and objects in work area except carpeted or upholstered surfaces wiped with damp cloth and/or mopped?	<input type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> NA
	All paint chips and debris collected and sealed in a heavy-duty bag?	<input type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> NA
	Protective sheeting removed, misted before folding, folded dirty side in and either taped shut or sealed in a heavy-duty bag?	<input type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> NA
	Plastic sheeting that isolates contaminated rooms from non-contaminated rooms kept in place until after the cleaning and removal of other sheeting is done?	<input type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> NA
	Plastic sheeting disposed of as a waste?	<input type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> NA
	All personnel, tools, exteriors of waste containers, and other items are free of dust and debris before leaving work area?	<input type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> NA
	Firm carries out all its responsibilities during a renovation, under 40 CFR §745.89(d), pursuant to 40 CFR §745.81(a)(2) including a visual inspection conducted by certified renovator and re-cleaning done if necessary?	<input type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> NA
	Firm carries out all its responsibilities during a renovation, under 40 CFR §745.89(d), pursuant to 40 CFR §745.81(a)(2) including each interior window sill verified as adequately cleaned by certified renovator using a disposable cleaning cloth(s) and compared to the cleaning verification card OR dust clearance samples to be tested?	<input type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> NA
	Firm carries out all its responsibilities during a renovation, under 40 CFR §745.89(d), pursuant to 40 CFR §745.81(a)(2) including each interior floor of the work area verified by certified renovator as adequately cleaned using a disposable cleaning cloth(s) and compared to the cleaning verification card OR dust clearance samples to be tested?	<input type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> NA
	Firm carries out all its responsibilities during a renovation, under 40 CFR §745.89(d), pursuant to 40 CFR §745.81(a)(2) including work signs only removed once the interior work area passes a post-renovation cleaning verification?	<input type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> NA
Observations: Mr. Herrera stated that no work was being performed inside the residence.		
13.2	Exterior	
	Signs posted clearly defining the work area and warning occupants and others to remain outside the work area during the entire duration of the renovation?	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> NA
	All doors and windows closed within 20 feet of renovation?	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> NA
	Doors within work area used while job is being performed are covered to allow workers to pass while confining dust and debris to the work area?	<input type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> NA
	Ground covered with plastic sheeting or impermeable material extends at least 10 feet beyond the perimeter of surfaces undergoing renovation or a sufficient distance to collect falling paint debris (unless property line prevents 10 feet minimum)?	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> NA
	Precautions taken to ensure that dust and debris do not contaminate other buildings, areas of the property or migrate to adjacent properties?	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> NA
	Waste from renovation activities contained to prevent the release of dust and debris before the waste is removed from the work area for storage or disposal? Chute covered if used to remove waste from the work area?	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> NA
	Waste stored under containment, in an enclosure, or behind a barrier that prevents release of and access to dust and debris at the conclusion of each work day or renovation?	<input type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> NA
	Waste contained during transport to prevent the release of dust and debris?	<input type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> NA
	Work area cleaned until there is no dust, debris or residue?	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> NA
	All paint chips and debris collected and sealed in a heavy-duty bag?	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> NA
	Protective sheeting removed, misted before folding, folded dirty side in and either taped shut or sealed in a heavy-duty bag?	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> NA
	Visual inspection of the exterior work area performed by a renovator to determine whether dust, debris or residue is still present?	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> NA
Dust clearance testing done if required by Federal, State, Territorial, Tribal or local law?	<input type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> NA	

EPA Region 7 TSCA §402(c) Renovation and Remodeling Work Practices Inspection Report

13.2	Work area re-cleaned until dust clearance results are below clearance standards?	<input type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> NA
	Firm carries out all its responsibilities during a renovation, under 40 CFR §745.89(d), pursuant to 40 CFR §745.81(a)(2) including visual inspection of exterior work area performed by certified renovator to verify the work area passes post-renovation cleaning verification and re-cleaning done if necessary?	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> NA
	Firm carries out all its responsibilities during a renovation, under 40 CFR §745.89(d), pursuant to 40 CFR §745.81(a)(2) including optional dust clearance testing performed by a certified inspector, risk assessor or dust sampling technician?	<input type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> NA
	Observations: See observations in other information section.	

OTHER INFORMATION Use this section to enter all pertinent information not collected in the body of the inspection report.

Observations:

On 11/09/2012 at approximately 10:19 a.m. I drove past 800 A Street, Lincoln, NE and observed three workers at the house conducting regulated work. A ladder was observed on top of the south front porch propped against the upper level side of the house. Ladders were observed propped up at the northwest side of the house and also propped up against the north rear side of the house. See photo's #DSCN0234, DSCN0238, DSCN0239 and DSCN0265. Two workers were observed scraping paint at the base of the west side of the house and a window at the south west corner on the west side of the house. See photo #DSCN0238 and DSCN0258. While there was yellow caution tape surrounding the work area, a portion of the tape on the west side of the house was laying on the ground. See photo's #DSCN0245 and #DSCN0246. There was no impermeable material or plastic sheeting observed anywhere on the project. Paint chips and debris was observed at the base of the house and throughout the yard and on the public sidewalks and verge. See photo's # DSCN0236, #DSCN0237, DSCN0239, DSCN0240, DSCN0241, DSCN0242, DSCN0243, DSCN0245, DSCN0246 and DSCN0247, DSCN0248, DSCN0250, DSCN0251 DSCN0252, DSCN0253, DSCN0254, DSCN0256 DSCN0257, DSCN0259, DSCN0260, DSCN0261 DSCN0262, DSCN0263, DSCN0264, DSCN0266 DSCN0268, DSCN0269 and DSCN0270. There were no warning signs posted clearly defining the work area and warning occupants and others to remain outside the work area during the entire duration of the renovation. See photo's #DSCN0237, DSCN0238, DSCN0239, DSCN0240, DSCN0241, DSCN0243, and DSCN0245. Photograph #DSCN0247 shows a warning sign that was placed after the inspection was underway and the lack of signage was brought to Mr. Herrera's attention. Photo #DSCN0244 is a photograph of the sign prior to it being placed. An over head garage door at the north rear of the residence was observed raised as was the door leading from the garage to the interior of the house. See photo's #DSCN0245 and #DSCN0246. During the course of the inspection workers used a non-HEPA rated vacuum cleaner(s) to vacuum up paint chips and debris at the north west corner of the house and under the stairs at the south east corner of the house. See photo's #DSCN0242, #DSCN0249 and #DSCN0256. Mr. Herrera stated they put HEPA filters on the vacuum cleaners. Photo #DSCN0250 and #DSCN0251 are photographs of the same paint chips and debris that was vacuumed by the worker under the stairs at the southeast corner of the house. Photograph #DSCN0255 is a photo of paint chips and debris in an open plastic bag at the southeast corner of the house.

Upon approaching Mr. Herrera, I identified myself and explained the purpose for my visit. I asked Mr. Herrera if he were in charge and he stated yes he is the maintenance crew leader. I asked Mr. Herrera what work was going on. He explained that he and the other two workers work for the owner of the residence, LHP, and that they are salaried employees and are in the process of painting the vacant house so it could be rented. I advised him that when I drove by I observed the workers scraping paint and that there was no plastic sheeting or barrier on the ground below the area. Mr. Herrera stated that they had finished scraping and the plastic was removed yesterday (11/08/12) because he thought they were done. He stated when they returned today he noticed that the old paint was peeling off so he had his workers scrape the peeling paint. He admitted there was no plastic down at that time. He stated that the plastic sheeting had been extended out past the sidewalk in front about 20'. He stated that the plastic sheeting was extended out to the caution tape out the side. I asked Mr. Herrera if he is a certified renovator and he at first stated yes that he has been trained. When I explained what a certified renovator was and asked to see his renovator certificate he stated that he wasn't a certified renovator but was trained by a certified renovator, Wynona Hoesch. She is no longer with the company. I asked Mr. Herrera to contact the owner and see if he could respond. Mr. Herrera called Mr. David Fiala, owner/manager of LHP, LLC. During a brief conversation with him I explained who I was and why I was there and requested that he respond as the certified renovator. He stated he couldn't respond that he had too much going on, several meetings, etc. He stated he could be contacted on Monday. I explained I would be gone Monday. I explained that I will just continue the inspection. He said okay. After hanging up with Mr. Fiala I continued the inspection with Mr. Herrera. I advised Mr. Herrera that I didn't see any warning signs posted. Mr. Herrera stated that he had 5 signs posted on the stakes but they took them down yesterday. I asked him if they had scraped the entire house and he stated yes.

At the conclusion of the inspection and while seated in my car on the street, Mr. Fiala approached me. I identified myself and gave him a business card and showed him my credentials. Mr. Fiala stated that he is the certified renovator on this project but he didn't have a copy of his certificate with him. He further stated his firm, LHP, LLC is a certified firm with the EPA. He stated he is a lessor and the house is being readied to rent. He stated he was here when the plastic was laid down, 11/06/12. He stated it was approximately 20' but he didn't measure it. He stated the Warning Signs were up facing out toward the street but he isn't positive. He stated he knows that

**EPA Region 7 TSCA §402(c) Renovation and Remodeling
Work Practices Inspection Report**

there was one sign on the corner of the lot. He stated they rolled up the plastic sheeting at the end of the day and then rolled it back out to work. He stated they removed the plastic by rolling it up on 11/08/12 thinking the job was done. He stated they had put up caution tape but not across the sidewalk.

Mr. Fiala assisted in completing some of the unknown general business information. Mr. Fiala emailed a copy of his firm certification and a copy of his renovator's certificate to me. They are included as Attachments C and D respectively.

SUMMARY OF OBSERVATIONS

The following possible deviations from the requirements of 40 CFR Part 745 Subpart E were observed during this inspection:

RE: ITEM NUMBER AND SUB NUMBER, IF APPLICABLE, FROM ABOVE	Citation	REQUIREMENT
<i>Firm Certification</i>		
12.1	§745.81(a)(2)	Failure of a firm to carry out all its responsibilities during a renovation, under 40 CFR §745.89(d), pursuant to 40 CFR §745.81(a)(2).
	§745.81(a)(2)(ii)	Failure of a firm that performs, offers, or claims to perform renovation or dust sampling for compensation to obtain initial certification from EPA, under 40 CFR §745.89(a), pursuant to 40 CFR §745.81(a)(2)(ii).
<i>Information Distribution – Single Family Residence</i>		
	§745.84(a)(1)	Failure to provide the owner of the unit with the EPA-approved lead hazard information pamphlet, pursuant to 40 CFR §745.84(a)(1).
<i>Information Distribution – Multi-Family Residence</i>		
	§745.84(a)(2)	Failure to provide the adult occupant of the unit with the EPA-approved lead hazard information pamphlet, pursuant to 40 CFR §745.84(a)(2).
<i>Information Distribution – Multi-Family Residence</i>		
	§745.84(b)(1)	Failure to provide the owner of the multi-family housing with the EPA-approved lead hazard information pamphlet or to post signs, pursuant to 40 CFR §745.84(b)(1).
	§745.84(b)(2)	Failure to notify in writing, or ensure written notification of, each unit of the multi-family housing and make the pamphlet available upon request prior to the start of the renovation, or to post information signs, pursuant to 40 CFR §745.84(b)(2).
<i>Information Distribution – Child-occupied Facility</i>		
	§745.84(c)(1)(i)	Failure to provide the owner of the building in which the child-occupied facility is located with the EPA-approved lead hazard information pamphlet, pursuant to 40 CFR §745.84(c)(1)(i)
	§745.84(c)(1)(i)	Failure to obtain, from the owner of the building, a written acknowledgment that the owner has received the pamphlet, or failure to obtain a certificate of mailing at least 7 days prior to the renovation, pursuant to 40 CFR §745.84(c)(1)(i)
	§745.84(c)(1)(ii)	Failure to provide an adult representative of the child-occupied facility with the pamphlet, if the owner is not the operator of the child-occupied facility, pursuant to 40 CFR §745.84(c)(1)(ii)
	§745.84(c)(2)	Failure to provide the parents and/or guardians with the pamphlet and information describing the general nature and locations of the renovation and the anticipated completion date, pursuant to 40 CFR §745.84(c)(2)
<i>Interior Renovations</i>		
	§745.85(1)	Failure to post signs clearly defining the work area and warning occupants and other persons not involved in renovation activities to remain outside of the work area; to prepare, to the extent practicable, signs in the primary language of the occupants; and/or to post signs before beginning the renovation and make sure they remain in place and readable until post-renovation cleaning verification have

**EPA Region 7 TSCA §402(c) Renovation and Remodeling
Work Practices Inspection Report**

		been completed, pursuant to 40 CFR §745.85(1).
	§745.85(a)(2)(i)(A)	Failure to remove all objects from the work area, including furniture, rugs, and window coverings, or cover them with a plastic sheeting or other impermeable material with all seams and edges taped or otherwise sealed, pursuant to 40 CFR §745.85(a)(2)(i)(A).
	§745.85(a)(2)(i)(B)	Failure to close and cover all ducts opening in the work area with taped-down plastic sheeting or other impermeable material before beginning the renovation, pursuant to 40 CFR §745.85(a)(2)(i)(B).
	§745.85(a)(2)(i)(C)	Failure to close windows and doors in the work area, cover doors with plastic sheeting or other impermeable material, and/or cover doors used as an entrance to the work with plastic sheeting or other impermeable material in a manner that allows workers to pass through while confining dust and debris to the work area, pursuant to 40 CFR §745.85(a)(2)(i)(C).
	§745.85(a)(2)(i)(D)	Failure to cover the floor surface, including installed carpet, with taped-down plastic sheeting or other impermeable material in the work area 6 feet beyond the perimeter of surfaces undergoing renovation or sufficient distance to contain the dust, whichever is greater, before beginning the renovation pursuant to 40 CFR §745.85(a)(2)(i)(D).
	§745.85(a)(2)(i)(E)	Failure by the renovation firm to use precautions to ensure that all personnel, tools and other items, including the exteriors of containers of waste, are free of dust and debris before leaving the work area, pursuant to 40 CFR §745.85(a)(2)(i)(E).
<i>Exterior Renovations</i>		
13.2	§745.85(a)(2)(ii)(A)	Failure to close all doors and windows within 20 feet of the renovation, close all doors and windows within 20 feet of the renovation on the same floor as the renovation on multi-story buildings, and/or close all doors and windows on all floors below that are the same horizontal distance from the renovation before beginning the renovation, pursuant to 40 CFR §745.85(a)(2)(ii)(A).
13.2	§745.85(a)(2)(ii)(B)	Failure to ensure that doors within the work area that will be used while the job is being performed are covered with plastic sheeting or other impermeable material in a manner that allows workers to pass through while confining dust and debris to the work area before beginning the renovation, pursuant to 40 CFR §745.85(a)(2)(ii)(B).
13.2	§745.85(a)(2)(ii)(C)	Failure to cover the ground with plastic sheeting or other disposable impermeable material extending 10 feet beyond the perimeter of surfaces undergoing renovation or a sufficient distance to collect falling paint debris, whichever is greater, unless the property line prevents 10 feet of such ground covering before beginning the renovation, pursuant to 40 CFR §745.85(a)(2)(ii)(C).
13.2	§745.85(a)(2)(ii)(D)	Failure to take extra precautions in containing the work area to ensure that dust and debris from the renovation do not contaminate other buildings or other areas on the property or migrate to adjacent properties, before beginning the renovation, pursuant to 40 CFR §745.85(a)(2)(ii)(D).
<i>Prohibited/Restricted Practices</i>		
	§745.85(a)(3)(i)	Failure to prohibit the use of open-flame burning or torching of lead-based paint during renovations, pursuant to 40 CFR §745.85(a)(3)(i).
	§745.85(a)(3)(ii)	Failure to prohibit the use of machines that remove lead-based paint through high speed operation such as sanding, grinding, power planing, needle gun, abrasive blasting, or sandblasting, unless such machines are used with HEPA exhaust control, pursuant to 40 CFR §745.85(a)(3)(ii).
	§745.85(a)(3)(iii)	Failure to restrict the operating of a heat gun on lead-based paint to temperatures below 1,100° F, pursuant to 40 CFR §745.85(a)(3)(iii).
<i>Waste Removal</i>		
13.2	§745.85(a)(4)(i)	Failure to contain waste from renovation activities to prevent releases of dust and debris before the waste is removed from the work area for storage or disposal and/or failure to cover a chute if it is used to remove waste from the work area, pursuant to 40 CFR §745.85(a)(4)(i).
	§745.85(a)(4)(ii)	Failure to ensure that waste that has been collected from renovation activities was stored under containment, in an enclosure, or behind a barrier that prevents release of dust and debris out of the work area and prevents access to dust and debris at the conclusion of each work day and/or at the conclusion of the


**EPA Region 7 TSCA §402(c) Renovation and Remodeling
Work Practices Inspection Report**

		renovation, pursuant to 40 CFR §745.85(a)(4)(ii).
	§745.85(a)(4)(iii)	Failure to contain the waste to prevent release of dust and debris during the transport of waste from renovation activities, pursuant to 40 CFR §745.85(a)(4)(iii).
<i>All Renovations</i>		
13.2	§745.85(1)	Failure of firms to post signs clearly defining the work area and warning occupants and other persons not involved in renovation activities to remain outside of the work area; to prepare, to the extent practicable, signs in the primary language of the occupants; and/or to post signs before beginning the renovation and make sure they remain in place and readable until the renovation and the post-renovation cleaning verification have been completed, pursuant to 40 CFR §745.85(1).
13.2	§745.85(a)(5)	Failure to clean the work area until no dust, debris, or residue remains after the renovation has been completed, pursuant to 40 CFR §745.85(a)(5).
13.2	§745.85(a)(5)(i)(A)	Failure to collect all paint chips and debris and seal the material in a heavy-duty bag without dispersing any of it, pursuant to 40 CFR §745.85(a)(5)(i)(A).
13.2	§745.85(a)(5)(i)(B)	Failure to remove the protective sheeting by misting the sheeting before folding it, folding the dirty side inward, and/or either taping shut to seal or sealing it in a heavy-duty bags, pursuant to 40 CFR §745.85(a)(5)(i)(B).
<i>Interior Cleaning and Verification</i>		
	§745.85(a)(5)(i)(B)	Failure to keep in place the plastic sheeting used to isolate contaminated rooms from non-contaminated rooms until after the cleaning and removal of other sheeting, pursuant to 40 CFR §745.85(a)(5)(i)(B).
	§745.85(a)(5)(i)(B)	Failure to dispose of the plastic sheeting, used as occupant protection at the renovation site, as waste, pursuant to 40 CFR §745.85(a)(5)(i)(B).
	§745.85(a)(5)(ii)	Failure by the renovation firm to clean all objects and surfaces in the work area and within 2 feet of the work area, cleaning from higher to lower, pursuant to 40 CFR §745.85(a)(5)(ii).
	§745.85(a)(5)(ii)(A)	Failure to clean walls in the work area, starting at the ceiling and working down to the floor, by either vacuuming with a HEPA vacuum or wiping with a damp cloth, pursuant to 40 CFR §745.85(a)(5)(ii)(A).
	§745.85(a)(5)(ii)(B)	Failure to thoroughly vacuum all remaining surfaces and objects in the work area, including furniture and fixtures, with a HEPA vacuum and/or failure to use a HEPA vacuum equipped with a beater bar when vacuuming carpets and rugs, pursuant to 40 CFR §745.85(a)(5)(ii)(B).
	§745.85(a)(5)(ii)(C)	Failure to wipe all remaining surfaces and objects in the work area, except for carpeted or upholstered surfaces, with a damp cloth and/or failure to mop uncarpeted floors thoroughly, using a mopping method that keeps the wash water separate from the rinse water, such as the 2-bucket mopping method, or using a wet mopping system, pursuant to 40 CFR §745.85(a)(5)(ii)(C).
<i>Record Keeping</i>		
	§745.85(b)(1)(i)	Failure to perform a visual inspection of the interior work area to determine whether dust, debris or residue is still present, to remove dust, debris or residue by re-cleaning if necessary, and/or perform another visual inspection, pursuant to 40 CFR §745.85(b)(1)(i).
	§745.85(b)(1)(ii)(A)	Failure by a renovator to verify that each interior windowsill in the work area has been adequately cleaned using a disposable cleaning cloth(s) compared to the cleaning verification card following the prescribed procedures, pursuant to 40 CFR §745.85 (b)(1)(ii) (A) or failure by a certified renovator to arrange for the collection dust clearance samples as part of optional dust clearance testing, pursuant to 40 CFR §745.85(b)(1)(ii)(A)
	§745.85(b)(1)(ii)(B)	Failure by a renovator to verify that each interior floor in the work area has been adequately cleaned using a disposable cleaning cloth(s) compared to the cleaning verification card following the prescribed procedures pursuant to 40 CFR §745.85 (b)(1)(ii) (B) or failure by a certified renovator to arrange for the collection dust clearance samples as part of optional dust clearance testing, pursuant to 40 CFR §745.85(b)(1)(ii)(B)
	§745.85(b)(1)(iii)	Failure by a renovator to wait until interior work area passes post-renovation cleaning verification before removing signs, pursuant to 40 CFR §745.85(b)(1)(iii)

**EPA Region 7 TSCA §402(c) Renovation and Remodeling
Work Practices Inspection Report**

<i>Exterior Visual Inspection</i>		
13.2	§745.85(b)(2)	Failure by a renovator to perform a visual inspection of the exterior work area to determine whether dust, debris or residue is still present, to remove dust, debris or residue by re-cleaning if necessary, and/or perform another visual inspection, pursuant to 40 CFR §745.85(b)(2)
13.2	§745.85(b)(2)	Failure by a renovator to wait until exterior work area passes visual inspection before removing signs, pursuant to 40 CFR §745.85(b)(2)
<i>Dust Clearance</i>		
	§745.85(c)	Failure to arrange the performance of optional dust clearance testing at the conclusion of the renovation if required to do so by the person contracting for the renovation, a Federal, State, Territorial, Tribal, or local law or regulation, pursuant to 40 CFR §745.85(c).
	§745.85(c)	Failure to have the optional dust clearance testing performed by a certified inspector, risk assessor, or dust sampling technician at the conclusion of the renovation, pursuant to 40 CFR §745.85(c).
	§745.85(c)(2)	Failure to have the optional dust clearance testing performed by a certified inspector, risk assessor or dust sampling technician at the conclusion of the renovation, pursuant to 40 CFR §745.85(c)(2)
	§745.85(c)(3)	Failure to re-clean the work area until dust clearance results are below clearance standards, pursuant to 40 CFR §745.85(c)(3).
	§745.86	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 CFR § 745.86.
	§745.88	Failure to use an EPA approved test kit, pursuant to 40 CFR §745.88 where the test kit result provided a false negative result for lead (i.e., no lead).
	§745.88	Failure to use an EPA approved test kit when determining the presence of lead, pursuant to 40 C.F.R. §745.88 where the test kit provided an accurate result for the presence of lead.
<i>General</i>		
12.1, 13.2	§745.89(b) or (c)	Failure of an individual to perform responsibilities for ensuring compliance with 40 CFR §745.85 at all renovations to which they are assigned, pursuant to 40 CFR § 745.90(b) or (c)
	§745.89(d)(2)	Failure to verify that each interior windowsill in the work area has been adequately cleaned using a disposable cleaning cloth(s) compared to the cleaning verification card following the prescribed procedures or failure to arrange for the collection of dust clearance samples as part of optional dust clearance testing as required by 40 CFR §745.85(b)(1)(ii)(A), pursuant to 40 CFR §745.89(d)(2).
	§745.89(d)(2)	Failure to verify that each interior floor in the work area has been adequately cleaned using a disposable cleaning cloth(s) compared to the cleaning verification card following the prescribed procedures or failure to arrange for the collection of dust clearance samples as part of the optional dust clearance testing as required by 40 CFR §745.85(b)(1)(ii)(B), pursuant to 40 CFR §745.89(d)(2).
12.1	§745.89(d)(2)	Failure of a renovator or dust sampling technician, performing renovator or dust sampling responsibilities under 40 CFR §745.90(b) or (c) to maintain copies of their course completion certificate(s) at the work site, as required by 40 CFR §745.90(b)(7), pursuant to 40 CFR §745.89(d)(2).
	§745.89(d)(2)	Failure to wait until interior work area passes post-renovation cleaning verification before removing signs as required by 40 CFR §745.85(b)(1)(iii), pursuant to 40 CFR §745.89(d)(2).
	§745.89(d)(2)	Failure to perform a visual inspection of the exterior work area to determine whether dust, debris, or residue is still present, to remove dust, debris, or residue by re-cleaning if necessary, and/or perform another visual inspection as required by 40 CFR §745.85(b)(2), pursuant to 40 CFR §745.89(b)(2).
13.2	§745.89(d)(2)	Failure to wait until exterior work area passes visual inspection before removing signs as required by 40 CFR §745.85(b)(2), pursuant to 40 CFR §745.89(d)(2).
	§745.89(c)	Failure of an EPA-certified firm to amend its certification within 90 days of the date a change occurs to information included in the firm's most recent applications, pursuant to 40 CFR §745.89(c).
13.2	§745.90(b)(7)	Failure of a renovator or dust sampling technician, performing renovator or dust sampling responsibilities under 40 CFR § 745.90(b) or (c) to maintain copies of

**EPA Region 7 TSCA §402(c) Renovation and Remodeling
Work Practices Inspection Report**

	their course completion certificate(s) (proof of certification) at the work site pursuant to 40 CFR § 745.90(b)(7)
WRITTEN STATEMENT	
The inspected entity/facility representative did not provide a signed written statement.	
COMPLIANCE ASSISTANCE	
I provided compliance assistance information pertaining to the Lead-Based Paint Pre-Renovation Education (PRE) Rule §406(b), the Renovation, Repair and Painting Rule §402(c) and the Lead Hazard Disclosure Rule, §1018. A list of the materials provided is included in Attachment K.	
CLOSING CONFERENCE	
No documents were taken from the work site. At the closing conference, I reviewed the potential violations observed, and explained how to avoid them in the future. I also explained that there could be changes, pending further review by EPA Regional Office staff. I explained that as the inspector, I collected information and evidence, but would not be making a final determination with regard to compliance and/or enforcement. I explained that he would be mailed a copy of the final inspection report within sixty days of the inspection.	
This completed the inspection and I left the premises at 12:55 p.m.	
REPORT SUBMITTED BY	
	Date: 1/3/2013
<i>Paul Clark</i>	
<input type="checkbox"/> EPA Inspector <input checked="" type="checkbox"/> EPA NOWCC/SEE Inspector	
ATTACHMENTS	
A	Notice of Inspection Form
B	Notice of Confidentiality Form
C	Copy of Firm Certification
D	Copy of Renovator Certificate(s)
E	Copy of Pre-renovation Education material receipt documentation – No information was received
F	Copy of Renovate Right brochure used for the Pre-renovation Education Rule – No pamphlet was received
G	Copy of Lead Safe Work Practices documentation – No information was received
H	Copy of On the Job Training documentation – No information was received
I	RRP lead-based paint test kit documentation or a copy of an example of the RRP lead-based paint test kit documentation – No information was received
J	Written Statement – No statement was provided
K	List of Compliance Assistance Materials provided to facility
L	Receipt for Documents – No documents were received
M	Photolog, CD, Thumbnails
N	Other (list/describe – e.g., business cards, blank contract, etc.)



ATTACHMENT A



Toxic Substances Control Act
LEAD PAINT – NOTICE OF INSPECTION

1. INVESTIGATION IDENTIFICATION

DATE: 11/09/2012
INSPECTION NUMBER: PC 110920121

2. TIME:

10:44 am

3. COMPANY NAME:

LMP LLC

4. INSPECTOR'S ADDRESS:

U.S. Environmental Protection Agency, Region 7
~~901 North 5th Street~~ - WWPDP/TOPE 11201 Renner Bld.
Kansas City, KS ~~66101~~
Lenora

5. FACILITY'S ADDRESS:

130 North 27th Street #6 apt
Lincoln, NE 68503

For Internal EPA Use. Copies may be provided to recipient as acknowledgment of this notice.

REASON FOR INSPECTION

This inspection involves the review of records, files, papers, facilities and shall include taking of samples, photographs, statements and other inspection activities as required by TSCA sections 406 and 402.

In addition, this inspection extends to (Check appropriate blocks):

Renovation Records

Paint inspections, risk assessment, hazard screens, tests, clearance and clean up procedures

Notifications

Certification data

Written Acknowledgments

Contracts and/or Service Agreements

The nature and extent of inspection of such data specified above is as follows: to determine compliance with Title IV sections 406(b) and 402(c) of the Toxic Substances Control Act (TSCA).

INSPECTOR SIGNATURE

Paul Clark

FACILITY REPRESENTATIVE SIGNATURE

Mynor Herrera

NAME

Paul Clark

NAME

Mynor Herrera

TITLE

Inspector

DATE SIGNED

11/09/2012

TITLE

maintenance

DATE SIGNED

11-09-12

ATTACHMENT B



US ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, DC 20460
TOXIC SUBSTANCES CONTROL ACT
TSCA INSPECTION CONFIDENTIALITY NOTICE

1. INSPECTION IDENTIFICATION		4. FACILITY NAME: <i>LHP LLC</i>
DATE: <i>11/09/2012</i>	INSPECTION NUMBER: <i>PC 110920121</i>	
2. INSPECTOR'S NAME: <i>PAUL CLARK</i>		5. ADDRESS: <i>130 North 27th Street #6 Lincoln, NE 68505</i>
3. INSPECTOR'S ADDRESS U. S. Environmental Protection Agency, Region 7 901 North 5 th Street Kansas City, KS 66101		6. NAME OF CHIEF EXECUTIVE OFFICER: <i>DAVE FIALA</i>
		7. TITLE : <i>General Manager / OWNER</i>

For Internal EPA use. Copies may be provided to recipient as acknowledgment of this notice.

TO ASSERT A TSCA CONFIDENTIAL BUSINESS INFORMATION CLAIM

It is possible that EPA will receive public requests for release of the information obtained during the inspection of the facility cited above. Such requests will be handled by EPA in accordance with provisions of the Freedom of Information Act (FOIA), 5 USC 552; EPA regulations issued thereunder, 40 CFR, Part 2; and the Toxic Substances Control Act (TSCA), Section 14. EPA is required to make inspection data available in response to FOIA requests unless the EPA Administrator determines that the data is entitled to confidential treatment, or may be withheld from release under other exceptions of FOIA.

Any or all information collected by EPA during the inspection may be claimed as confidential if it relates to trade secrets, commercial, or financial matters that you consider to be confidential business information (CBI). If you assert a CBI claim, EPA will disclose the information only to the extent, and by means of the procedures set forth in the regulations (cited above) governing EPA's treatment of CBI. Among other things, the regulations require that EPA notify you in advance of publicly disclosing any information claimed as CBI.

A CBI claim may be asserted at any time prior to or during the inspection. If a CBI claim is received after the inspection, EPA will make such efforts as are administratively practicable to protect the information. However, EPA cannot assure that such efforts will be effective in light of the possibility of prior disclosure. If it is more convenient for you to assert a CBI claim on your own stationary or by making the individual documents or samples "TSCA confidential business information," it is not necessary for you to use this notice. The inspector will be glad to answer any questions you may have regarding EPA's CBI procedures.

While you may claim any collected information or sample as CBI, such claims are not likely to be upheld if they are challenged unless the information meets the following criteria:

- Your company has taken measures to protect the confidentiality of the information and it intends to continue to take such measures.

- The information is not, and has not been, reasonably obtainable without your company's consent by other persons (other than governmental bodies), or by use of legitimate means (other than discovery based on showing of special need in a judicial or quasi-judicial proceeding).
- The information is not publicly available elsewhere.
- Disclosure of the information would cause substantial harm to your company's competitive position.

At the completion of the inspection, you will be given a receipt for all documents, samples, and other materials collected. At that time, you may make claims that some or all of the information is CBI.

If you are not authorized by your company to assert a CBI claim, this notice will be sent by certified mail, along with the receipt for documents, samples, and other materials to the Chief Executive Officer of your company within 2 days of this date. The Chief Executive Officer must return a statement specifying any information which should receive CBI treatment.

The statement from the Chief Executive Officer should be addressed to:
TSCA CBI Document Control Officer (DCO)
USEPA-Region 7
901 North 5th Street
Kansas City, KS 66101

and mailed by registered, return-receipt requested mail within 7 calendar days of receipt of this notice. Claims may be made at any time after the inspection, but the inspection data will not be entered into the TSCA/CBI security system until an official confidentiality claim is made. The data will be handled under EPA's routine security system unless and until a claim is made. If no confidentiality claim accompanies the information when it is received by EPA, the information may be made available to the public without further notice to the business.

TO BE COMPLETED BY FACILITY OFFICIAL RECEIVING THIS NOTICE
I acknowledge receipt of this notice:

If there is no one on the premise who is authorized to make CBI claims for this facility, a copy of this notice and other inspection materials will be sent to the company's Chief Executive Officer. If there is another official who should also receive this information, please designate below.

SIGNATURE <i>[Signature]</i>		NAME
NAME <i>Myron Koverer</i>		TITLE
TITLE <i>maintenance</i>	DATE SIGNED <i>11-09-12</i>	ADDRESS

ATTACHMENT C

United States Environmental Protection Agency

It is hereby certified that



LHP, LLC

has fulfilled the requirements of the Toxic Substances Control Act (TSCA) Section 402, and has received certification to conduct lead-based paint renovation, repair, and painting activities pursuant to 40 CFR Part 745.89

in the jurisdiction of:

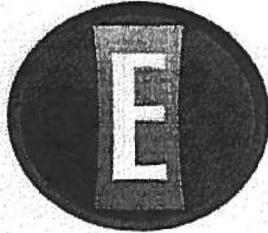
All EPA Administered States, Tribes, and Territories

This certification is valid from the date of issuance and expires May 30, 2015

NAT-44139-1
Certification #
May 17, 2010
Issued On



Michelle Price
Michelle Price, Chief
Lead, Heavy Metals, and Inorganics Branch



Educational Institute

— Environmental & Safety Training —

1450 Centerpark Road, Lincoln, Ne 68512
Phone: (402) 423-7530 FAX: (402) 423-6750 TF:(888) 422-9280

Certificate of Attendance and Successful Completion

Renovator Initial—English

Per 40 CFR Part 745-725

David Fiala

PO Box 83821, Lincoln, NE 68501

Certificate Number: R-I-19300-10-00402

COURSE DATE: 04/14/2010

EXAMINATION DATE: 04/14/2010

EXPIRATION DATE: 04/14/2015

Chris Bocho

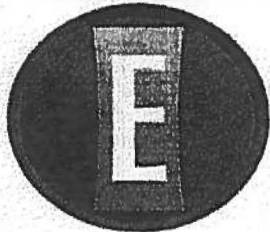
Training Manager/Principle Instructor

4/14/2010

Date



ATTACHMENT D



Educational Institute

— Environmental & Safety Training —

1450 Centerpark Road, Lincoln, Ne 68512
Phone: (402) 423-7530 FAX: (402) 423-6750 TF:(888) 422-9280

Certificate of Attendance and Successful Completion

Renovator Initial—English
Per 40 CFR Part 745-725

David Fiala
PO Box 83821, Lincoln, NE 68501

Certificate Number: R-I-19300-10-00402

COURSE DATE: 04/14/2010

EXAMINATION DATE: 04/14/2010

EXPIRATION DATE: 04/14/2015

Chris Boda

Training Manager/Principle Instructor

4/14/2010

Date



ATTACHMENT K

Lead-Based Paint Renovation/Repair Program Regulations Compliance Assistance Materials

TSCA §402/406 – Renovation/Repair

September 2012

Building Manager Trifold, **August 2012**, (English)

Contractor Fact Sheet, **June 2010**, (English)

Contractor Fact Sheet, **June 2010**, (Spanish)

Fact Sheet: Rule Establishes Requirements To Protect Children During Renovation, Repair and Painting Activities that Disturb Lead-Based Paint, **March 2008**, (English)

Fact Sheet: Rule Establishes Requirements To Protect Children During Renovation, Repair and Painting Activities that Disturb Lead-Based Paint, **March 2008**, (Spanish)

Effective Dates for Renovation, Repair, and Painting Program Rule

Current Sample Pre-Renovation Form

Finding A Lead-Based Paint Professional in Region 7

Authorization in Region 7

Renovate Right pamphlet, **EPA-740-K-10-001, September 2011**, (English)

The April 2010 edition with the revised page 10 is acceptable. The September 2011 version of page ten may be downloaded from the Internet and affixed to the April 2010 edition. The September 2011 version of page ten may be found at: www.epa.gov/lead/pubs/insert.pdf.

Renovate Right pamphlet, **EPA-740-K-10-002, September 2011**, (Spanish)

The April 2010 edition with the revised page 10 is acceptable. The September 2011 version of page ten may be downloaded from the Internet and affixed to the April 2010 edition. The September 2011 version of page ten may be found at: www.epa.gov/lead/pubs/insertesp.pdf.

Small Entity Compliance Guide to Renovate Right, **EPA-740-K-10-003, September 2011**

Lead-Based Paint Disclosure Rule Regulations Compliance Assistance Materials

TSCA §1018 – Disclosure Rule

September 2012

What You Need to Know About Lead Poisoning (*English*)

What You Need to Know About Lead Poisoning (*Spanish*)
Lo Que Usted Necesita Saber Sobre el Envenenamiento por Plomo

Information Sheet: U.S. EPA Small Business Resources, [OECA EPA 300-F-07-003, October 2007](#)

DISCLOSURE FORMS & INSTRUCTIONS

- Blank Disclosure Form for Lease/Rental of Target Housing (*English*)
- Blank Disclosure Form for Lease/Rental of Target Housing (*Spanish*)
- Instructions for completion of Disclosure Form for Lease/Rental of Target Housing
- Blank Disclosure Form for Sale of Target Housing (*English*)
- Blank Disclosure Form for Sale of Target Housing (*Spanish*)
- Instructions for completion of Disclosure Form for Sale of Target Housing

LEAD HAZARD INFORMATION PAMPHLETS

- Instructions for Obtaining Additional Copies of Protect Your Family pamphlets
- Protect Your Family From Lead in Your Home [EPA747-K-99-001, June 2003, \(*English*\)](#)
- Protect Your Family From Lead in Your Home [EPA747-K-99-001, June 2003, \(*Spanish*\)](#)
- Proteja a Su Familia Contra el Plomo en el Hogar [Junio 2003](#)
- Protect Your Family pamphlet, black and white camera ready copy (*English*)
- Protect Your Family pamphlet, black and white camera ready copy (*Spanish*)

EPA and HUD Real Estate Notification and Disclosure Rule – Questions and Answers (quad-fold brochure) [EPA-747-F-96-001, March 1996](#)

Lead-Contaminated Soil, 910-K-05-002, [August 2005](#)

ATTACHMENT M



DSCN0237.jpg



DSCN0238.jpg



DSCN0239.jpg



DSCN0240.jpg



DSCN0241.jpg



DSCN0242.jpg



DSCN0243.jpg



DSCN0244.jpg



DSCN0245.jpg



DSCN0246.jpg



DSCN0247.jpg



DSCN0248.jpg



DSCN0249.jpg



DSCN0250.jpg



DSCN0251.jpg



DSCN0252.jpg



DSCN0253.jpg



DSCN0254.jpg



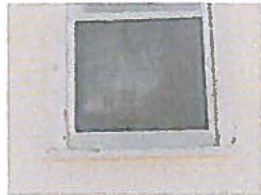
DSCN0255.jpg



DSCN0256.jpg



DSCN0257.jpg



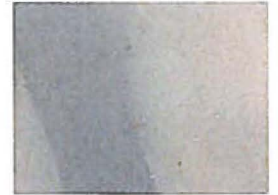
DSCN0258.jpg



DSCN0259.jpg



DSCN0260.jpg



DSCN0261.jpg



DSCN0262.jpg



DSCN0263.jpg



DSCN0264.jpg



DSCN0265.jpg



DSCN0266.jpg



DSCN0267.jpg



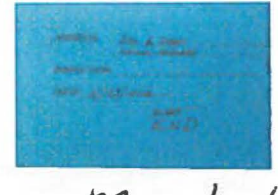
DSCN0268.jpg

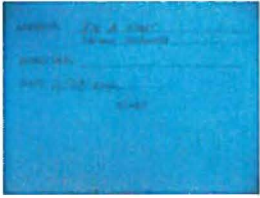


DSCN0269.jpg



DSCN0270.jpg





DSCN0233.jpg



DSCN0234.jpg



DSCN0235.jpg



DSCN0236.jpg

Date: 11/9/2012
Inspector: Paul Clark
Inspection number: PC110920121
Address: 800 A Street, Lincoln, NE 68502
Photographer: Paul Clark

Photograph Number	Specific Location	Description of the Photograph
DSCN0233		Start
DSCN0234	South Front view	Overall view of the front of the house - No plastic material is on the ground or warning signs present
DSCN0235	South east corner of the front of the house	Entry and stairs
DSCN0236	South east corner of the front of the house	Paint chips and debris on the ground and walk to the stairs
DSCN0237	Walk to the south front porch of the house	Paint chips and debris on the walk and dirt in front of the porch
DSCN0238	West side of the house	Workers scraping the paint from the base of the house - No plastic or impermeable material is on the ground or warning signs present
DSCN0239	West side of the house - north west corner looking south	No plastic material is on the ground or warning signs present - Paint chips and debris are on the uncovered ground and walk
DSCN0240	West side of the house - north west corner looking east-southeast	No plastic material is on the ground or warning signs present - Paint chips and debris are on the uncovered ground and walk
DSCN0241	West side of the house - north west corner looking south at the stairs	No plastic material is on the ground or warning signs present - Paint chips and debris are on the uncovered ground and walk
DSCN0242	West side of the house - north west corner looking east-southeast	Worker is vacuuming paint chips and debris with an unapproved vacuum
DSCN0243	South front porch looking south	Large amount of paint chips on the ground

DSCN0244	South front porch railing	Warning sign that was produced by the maintenance worker in charge that he stated had been posted the previous day
DSCN0245	West side south west corner looking east	Overall view of tape measure and area
DSCN0246	West side south west corner	Closeup view of the tape measurement from the house to the warning tape
DSCN0247	South side looking north toward the south front porch	Overall view of tape measure and area. Warning sign was re-hung
DSCN0248	South side looking north toward the south front porch	Closeup view of the tape measurement from the front porch to the warning tape
DSCN0249	South east corner of the front of the house	Rigid vacuum cleaner being used to vacuum up paint chips and debris
DSCN0250	South east corner of the front of the house under the east side stairs	Over exposed photograph of pile of paint chips and debris
DSCN0251	South east corner of the front of the house under the east side stairs	Second over exposed photograph of the same pile of paint chips and debris
DSCN0252	East side of the house	Paint chips and debris
DSCN0253	East side of the house further north	Paint chips and debris
DSCN0254	East side of the house further north	Paint chips and debris
DSCN0255	East side of the house	Open trash bag with paint chips
DSCN0256	South east corner of the front of the house	Worker vacuuming up the paint chips from the bare cement under the east side stairs
DSCN0257	South front porch stairs	Paint chips and debris
DSCN0258	West side of the house at the south west corner	Window that worker was observed scraping
DSCN0259	Public sidewalk on the west side of the house	Paint chips in the grass and on the sidewalk
DSCN0260	Public sidewalk on the west side of the house further north	Paint chips on the sidewalk

DSCN0261	Public sidewalk on the west side of the house further north	Paint chips on the sidewalk
DSCN0262	Verge on the west side of the house	Paint chips in the grass between the sidewalk and the street
DSCN0263	Verge on the west side of the house	Paint chips in the grass between the sidewalk and the street
DSCN0264	Public sidewalk on the west side of the house further north	Paint chips in the grass and on the sidewalk
DSCN0265	Rear (North) side of the house looking south	Painting in progress
DSCN0266	West over head garage door and driveway of the north attached garage	Paint chips and debris
DSCN0267	North attached garage looking south east	Open door into the house from the north attached garage
DSCN0268	Public sidewalk at the front of the house	Paint chips
DSCN0269	Public sidewalk at the front of the house	Paint chips
DSCN0270	Public sidewalk at the corner of 8th Street and A Street	Paint chips
DSCN0271		End

CX 2 of LHP, LLC

Transmittal letter for mailing Inspection Report to Respondent

CX 2: Transmittal letter for Inspection Report, dated
January 14, 2013 , from Candace Bias [Bednar] to LHP, LLC.



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 7**

11201 Renner Boulevard
Lenexa, Kansas 66219

JAN 14 2013

Mr. Mynor Herrera
LHP, LLC
130 N. 27th Street, #6
Lincoln, Nebraska 68503

RE: Residential Renovation Activities
Facility ID #: 1000002180

Dear Mr. Herrera:

On November 9, 2012, a representative of the U.S. Environmental Protection Agency inspected your renovation at 800 A Street in Lincoln, Nebraska. The inspection was conducted under the authority of Section 11 of the Toxic Substances Control Act. A copy of the Inspection Report is enclosed for your information (without attachments).

The EPA is reviewing the findings of the report to determine your firm's compliance with the applicable statutes and regulations, and these findings will be forwarded to you or the appropriate contact upon completion of our review.

If there are any questions regarding this report or actions that you may want to take, or if you would like to receive a copy of the report attachments, please contact me at (913) 551-7562 or by email at bias.candace@epa.gov.

Sincerely,

A handwritten signature in black ink that reads "Candace Bias".

Candace Bias
Compliance Officer
Toxics and Pesticides Branch

Enclosure

cc: Doug Gillespie, Nebraska Department of Health and Human Services (e-copy)

CX 3-41
Inspection Report Photographs (on CD)

CX 42
Civil Penalty Assessment Worksheet

Attachment 1
 In the Matter of LHP, LLC
 TSCA-07-2014-0029

Address of Target Housing	Violation	Extent	Circumstance	Gravity Based Penalty
800 A Street Lincoln, NE	§745.85(1) Failure to post signs clearly defining the work area and warning occupants and other persons not involved in renovation activities to remain outside of the work area	Minor	Level 1b	\$2,840
	§745.85(a)(2)(ii)(A) Failure to close all doors and windows within 20 feet of the renovation	Minor	Level 2a	\$6,000
	§745.85(a)(2)(ii)(B) Failure to ensure that doors in the work area are covered with impermeable material to confine dust and debris.	Minor	Level 2a	\$6,000
	§745.85(a)(2)(ii)(C) Failure to cover the ground surface with at least 10 feet of plastic sheeting or other disposable impermeable material before beginning the renovation.	Minor	Level 2a	\$6,000
	§745.85(a)(4)(i) Failure to contain waste from renovation activities and to prevent the release of dust and debris before the waste is removed from the work area for storage or disposal	Minor	Level 2a	\$6,000
Total				\$26,840

CX 43

Records of Lancaster County, Nebraska Assessor's Office

Pages 1-2: *Property Search by Owner*, Lancaster County Assessor,
<http://orion.lancaster.ne.gov/Appraisal/PublicAccess/PropertySearch.aspx?PropertySearchType=2&SelectedItem=8&PropertyID=&PropertyOwnerID=&NodeID=11> (search Last Name bar for "LHP LLC")
(last visited Aug. 17, 2015).

Pages 3-4: *Property Search by Owner*, Lancaster County Assessor,
<http://orion.lancaster.ne.gov/Appraisal/PublicAccess/PropertySearch.aspx?PropertySearchType=2&SelectedItem=8&PropertyID=&PropertyOwnerID=&NodeID=11> (search Last Name bar for "LHP LLC";
then follow Property ID "1026434010000"; then follow "Datasheet") (last visited Aug. 17, 2015).



LANCASTER COUNTY ASSESSOR

County Assessor/Register of Deeds



[Home](#)

Your search returned 53 matches

[Show Legal Description](#)

General Information

News

FAQ

Searches

- [PID](#)
- [Owner](#)
- [Address](#)
- [Advanced Search](#)

Other

- [Deed Search](#)
- [Transfer Search](#)
- [Mobile Mapping](#)

Property Search Results

Property ID	Owner Name	Situs Address
1730100012000	LHP LLC	125 S 28 ST LINCOLN, NE
1730101004000	LHP LLC	120 S 28 ST LINCOLN, NE
1730101005000	LHP LLC	126 S 28 ST LINCOLN, NE
1730314002000	LHP LLC	1021 S 29 ST LINCOLN, NE
1021322008000	LHP LLC	828 SURFSIDE CIR LINCOLN, NE
1022345004000	LHP LLC	747 W Q ST LINCOLN, NE
1024200013000	LHP LLC	1338 N 21 ST LINCOLN, NE
1024206013000	LHP LLC	1300 N 26 ST LINCOLN, NE
1024235020000	LHP LLC	2406 LYNN ST LINCOLN, NE
1024235021000	LHP LLC	2410 LYNN ST LINCOLN, NE
1024239007000	LHP LLC	2341 LYNN ST LINCOLN, NE
1024239026000	LHP LLC	2442 VINE ST LINCOLN, NE
1024404001000	LHP LLC	707 N 26 ST LINCOLN, NE
1024404002000	LHP LLC	2537 VINE ST LINCOLN, NE
1024410002000	LHP LLC	2615 VINE ST LINCOLN, NE
1024410003000	LHP LLC	2601 VINE ST LINCOLN, NE
1024410004000	LHP LLC	710 N 26 ST LINCOLN, NE
1024410005000	LHP LLC	704 N 26 ST LINCOLN, NE
1024414006000	LHP LLC	532 N 24 ST LINCOLN, NE
1024414014000	LHP LLC	2400 R ST LINCOLN, NE
1024433009000	LHP LLC	2510 P ST LINCOLN, NE
1024433013000	LHP LLC	2536 P ST LINCOLN, NE
1025309006000	LHP LLC	900 S 18 ST LINCOLN, NE
1025429008000	LHP LLC	2300 B ST LINCOLN, NE
1026401013000	LHP LLC	826 F ST LINCOLN, NE
1026405003000	LHP LLC	1237 G ST LINCOLN, NE
1026409010000	LHP LLC	918 S 10 ST LINCOLN, NE
1026409011000	LHP LLC	926 S 10 ST LINCOLN, NE
1026417003000	LHP LLC	1215 E ST LINCOLN, NE
1026434010000	LHP LLC	800 A ST LINCOLN, NE
1026439017000	LHP LLC	1327 S 14 ST LINCOLN, NE
1036139003000	LHP LLC	1901 SUMNER ST LINCOLN, NE
1036144011000	LHP LLC	1959 EUCLID AVE LINCOLN, NE
1036201007000	LHP LLC	2103 A ST LINCOLN, NE
1036235010000	LHP LLC	2046 S 26 ST LINCOLN, NE
1112321010000	LHP LLC	1909 HARTLEY ST LINCOLN, NE
1113416010000	LHP LLC	2310 HOLDREGE ST LINCOLN, NE
1608211016000	LHP LLC	4821 SOUTH HAVEN DR LINCOLN, NE
1718342008000	LHP LLC	1517 N 29 ST LINCOLN, NE
1718358001000	LHP LLC	3116 HOLDREGE ST LINCOLN, NE
1719100021000	LHP LLC	2830 STARR ST LINCOLN, NE
1719116019000	LHP LLC	3112 Y ST LINCOLN, NE
1719116020000	LHP LLC	3144 Y ST LINCOLN, NE

<u>1719142005000</u>	LHP LLC	3211 STARR ST LINCOLN, NE
<u>1719200009000</u>	LHP LLC	1419 N 34 ST LINCOLN, NE
<u>1719316007000</u>	LHP LLC	3055 S ST LINCOLN, NE
<u>1719326009000</u>	LHP LLC	2800 P ST LINCOLN, NE
<u>1719331006000</u>	LHP LLC	2721 P ST LINCOLN, NE
<u>1719331011000</u>	LHP LLC	2701 P ST LINCOLN, NE
<u>1719331012000</u>	LHP LLC	136 N 27 ST LINCOLN, NE
<u>1719331013000</u>	LHP LLC	130 N 27 ST LINCOLN, NE
<u>1719341001000</u>	LHP LLC	3223 R ST LINCOLN, NE
<u>1719345009000</u>	LHP LLC	724 N 30 ST LINCOLN, NE

LANCASTER COUNTY APPRAISAL CARD

Parcel ID: 10-26-434-010-000

Tax Year: 2015

Run Date: 8/20/2015 7:47:17 AM

Page 1 of 2

OWNER NAME AND MAILING ADDRESS

LHP LLC
PO BOX 83821
LINCOLN, NE 68501

Additional Owners
No.

SALES INFORMATION

Date	Type	Sale Amount	Inst.Type	Instrument #	Incl Other Parcels
09/06/2012	Improved	\$37,500	Personal Rep. Deed	2012045604	
09/06/2012	Improved	\$0	Quit Claim Deed	2012045602	
08/25/2009	Improved	\$0	Quit Claim Deed	2009048568	Y
11/26/2007	Improved	\$0	Quit Claim Deed	2007057926	Y

PROPERTY SITUS ADDRESS

800 A ST
LINCOLN, NE

GENERAL PROPERTY INFORMATION

Prop Class: Residential Improved
Primary Use: 03 Conversion-Apt
Living Units: 2
Zoning: R4-Residential District
Neighborhood: 8WT01 - West Lincoln -
Tax Unit Grp: 0001
Schl Code Base: 55-0001 Lincoln
Schl Code Affiate:
Exemptions:

BUILDING PERMITS

Number	Issue Date	Amount	Status	Type	Description
B1300420	02/25/2013	\$1,800	Closed	NW	REPLACE WINDOWS
B1203544	11/15/2012	\$2,500	Closed	NR	NEW ROOF

LEGAL DESCRIPTION

LINCOLN ORIGINAL, BLOCK 237, Lot 7, S71' W45'

INSPECTION HISTORY

Date	Time	Code	Reason	Appraiser	Contact-Code
11/09/2012	1:00 PM	Routine, Interior and Exterior - 12	Owner Request	DPG	
06/24/2011		Field Review - 08	Final Review	TRS	
03/11/2011		No Answer At Door, Measured - 05	General Review	RTP	
10/13/2008		Field Review - 08	Final Review	CAB	

RECENT APPEAL HISTORY

Year	Level	Case #	Status	Action
------	-------	--------	--------	--------

TAXABLE VALUE HISTORY

Year	Land	Building	Total
2015	\$14,700	\$41,000	\$55,700
2014	\$14,700	\$18,600	\$33,300
2013	\$14,700	\$18,600	\$33,300

MARKET LAND INFORMATION

Method	Type	AC/SF/Units
Site	RPC-Primary	

Total Acres 0.07 **GIS SF** 3184

LANCASTER COUNTY APPRAISAL CARD

Parcel ID: 10-26-434-010-000

Tax Year: 2015

Run Date: 8/20/2015 7:47:17 AM

Page 2 of 2

DWELLING INFORMATION

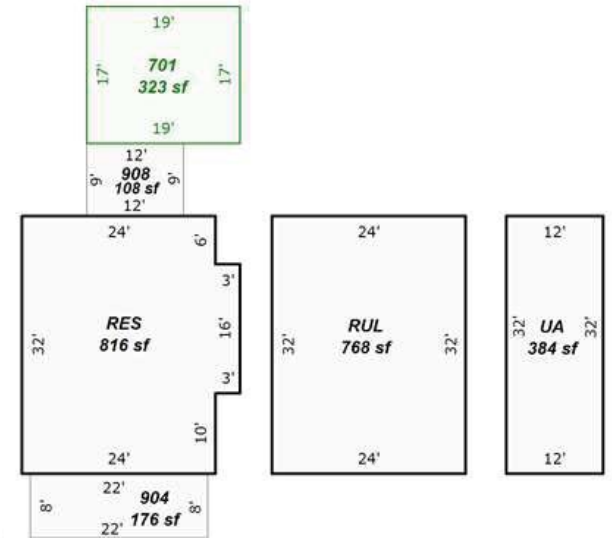
Res Type: 1-Single-family Residence
 Quality: 3.00-Average
 Year Built: 1908
 Rating: 4 - Average
 Remodeled Year:
 Remodel:
 Total Living Area: 1,776

RESIDENTIAL SECTIONS

RES 816
 RUL 768
 RUL 192

COMP SALES INFORMATION

Impt Type: 2 1/2 Story Conversion
 Bedrooms: 2
 Foundation: 4-Full
 5 Fix Bath: 3 Fix Bath: 2
 4 Fix Bath: 2 Fix Bath:
 Addl Fix: 1
 Garage Cap: One Car-1
 Pct Comp:



BUILDING COMMENTS

SKETCH VECTORS

A0CU32R24D6R3D16L3D10L24 A5R37CU32X24 A1R68CU16X12 A2R1D8CU8X22
 A3U32R8CU9X12 A4U41R8CU17X19

RESIDENTIAL COMPONENTS

Code	Units	Pct	No Sketch	Year
105-Frame, Siding		100	Y	
904-Slab Porch (SF) with Roof	176			
908-Enclosed Porch (SF). Knee Walls w/	108		N	
701-Attached Garage (SF)	323		N	
208-Composition Shingle		75	Y	
601-Plumbing Fixtures (#)	9		Y	
801-Total Basement Area (SF)	768		Y	
309-Forced Air Furnace		100	Y	
402-Automatic Floor Cover Allowance			Y	
207-Composition Roll		25	Y	

RESIDENTIAL COMPONENTS

Code	Units	Pct	No Sketch	Year
------	-------	-----	-----------	------

CX 44
Webpages of LHP, LLC

Page 1: *Lincoln's Affordable UNL Campus Area Housing*, LHP, <http://lincolnhp.com>
[<https://web.archive.org/web/20110202145921/http://lincolnhp.com/>] (archived on Feb. 2, 2011).

Page 2: *Lincoln's Affordable UNL Campus Area Housing*, LHP, <http://lincolnhp.com>
[<https://web.archive.org/web/20130611171005/http://lincolnhp.com/>] (archived on June 11, 2013).



8 captures
14 May 10 - 1 Aug 15

http://lincolnhp.com/

Go

MAY FEB JU
2
2010 2011 20

LHP

Lincoln Habitat Properties!

Lincoln's Affordable UNL Campus Area Housing

Home

Contact Us



- **Studios - \$290-\$340**
- **1 Bd - \$290-\$390**
- **2 Bd - \$380-\$490**
- **3 Bd - \$490-\$590**
- **3 to 5 Bd Houses or Duplexes \$650-\$1050**

Contact Us Today!

(402) 742-0200

rent@lincolnhp.com

Copyright 2009 lincolnhp.com. All Rights Reserved.

templates for osCommerce software



8 captures
14 May 10 - 1 Aug 15

http://lincolnhp.com/

Go

FEB JUN J
11
2011 2013 20

LHP

Lincoln Habitat Properties!

Lincoln's Affordable UNL Campus Area Housing

Home

Contact Us



- **Studios - \$290-\$340**
- **1 Bd - \$290-\$390**
- **2 Bd - \$380-\$490**
- **3 Bd - \$490-\$590**
- **3 to 5 Bd Houses or Duplexes \$650-\$1050**

Contact Us Today!

(402) 742-0200

rent@lincolnhp.com

Copyright 2009 lincolnhp.com. All Rights Reserved.

To use this eBox you must have Java installed and applets enabled.
Visit this [site](#) to check if you have Java setup correctly.

templates for osCommerce software

CX 45

EPA Headquarters, Regional, and Divisional delegations.

Pages 1-3: *EPA Regional and Divisional Delegations*

Pages 4-5: *EPA Headquarters Delegations*

CHAPTER 12
TOXIC SUBSTANCES CONTROL ACT (TSCA)

Administrative Enforcement: Issuance of Complaints and Signing of Consent Agreements

1. AUTHORITY.

- a. To file administrative complaints against alleged violators of the Toxic Substances Control Act (TSCA) for the purpose of proposing civil penalties as provided in TSCA;
- b. To negotiate consent agreements memorializing settlements between the Agency and the respondents; and,
- c. To sign consent agreements memorializing settlements between the Agency and respondents.


2. TO WHOM DELEGATED.

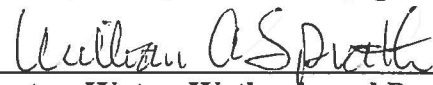
- a. Authority 1a is delegated to the Director, Air and Waste Management Division and the Director, Water, Wetlands and Pesticides Division.
- b. Authority 1b is delegated to the Regional Counsel in consultation with the Director, Air and Waste Management, or the Director, Water, Wetlands and Pesticides Division.
- c. Authority is delegated to the Regional Counsel with the concurrence of the Director, Air and Waste Management Division, or the Director, Water, Wetlands and Pesticides Division.

3. LIMITATION. This authority may be exercised only after consulting with the Assistant Administrator for Pesticides and Toxic Substances or designee, unless such consultation is waived.

4. REDELEGATION AUTHORITY. Further re-delegation is authorized.

5. ADDITIONAL REFERENCES. Headquarters Delegation 12-2-A, Administrative Enforcement; Issuance of Complaints and Signing of Consent Agreements.

APPROVED:  Date: 2/6/07
Director, Air and Waste Management Division

APPROVED:  Date: 2/6/07
Director, Water, Wetlands and Pesticides Division

APPROVED:  Date: 2-5-07
Regional Counsel

APPROVED:  Date: 2-6-07
Regional Administrator

After final concurrence, please return to Alice Todd, PLMG-IRMB (x7304) for processing.

NOTE: When approved, this proposed revised delegation will supersede R7-12-1, issued under TN 72, 3/24/1997. This revision will provide authority for the re-organization of moving the toxics programs of asbestos and lead to WWPD, with indoor air and radiation programs remaining within ARTD. Pilot re-organization implementation date: 1/7/07.

Requested by CNSL: 2/2/07; Prepared by IRMB: 2/5/07

CHAPTER 12
TOXIC SUBSTANCES CONTROL ACT (TSCA)

Administrative Enforcement: Issuance of Complaints and Signing of Consent Agreements

1. AUTHORITY.

a. To file administrative complaints against alleged violators of the Toxic Substances Control Act (TSCA) for the purpose of proposing civil penalties as provided in TSCA.

b. To negotiate consent agreements memorializing settlements between the Agency and the respondents; and

c. To sign consent agreements memorializing settlements between the Agency and respondents.

2. TO WHOM DELEGATED.

a. Authority 1a, above, is re-delegated to the Chief, Toxics and Pesticides Branch (TOPE), Water Wetlands and Pesticides Division (WWPD), and to the Chief, Chemical Risk Information (CRIB) Branch, Air and Waste Management Division (AWMD), with concurrence of the Regional Counsel.

b. Authority in 1b, above, is delegated to the Regional Counsel (see Regional Delegation 12-1-A) in consultation with the Chief, Toxics and Pesticides Branch (TOPE), Water, Wetlands and Pesticides Division (WWPD), or the Chief, Chemical Risk Information (CRIB) Branch, Air and Waste Management Division (AWMD).

c. Authority 1c, above, is delegated to the Regional Counsel (see Regional Delegation 12-1-A) with concurrence of the Chief, Toxics and Pesticides Branch (TOPE), Water, Wetlands and Pesticides Division (WWPD), or the Chief, Chemical Risk Information Branch (CRIB), Air and Waste Management Division, (AWMD).

3. LIMITATIONS.

a. This authority may be exercised only after consulting with the Assistance Administrator for Pesticides and Toxic Substances or designee, unless such consultation is waived.

b. The Chief, TOPE Branch shall only exercise the authorities in 1a, b, and c, in carrying out Subchapters II and IV of TSCA.

c. The Chief, CRIB Branch shall only exercise the authorities in 1a, b, and c, in carrying out Subchapter I of TSCA.

(Continued)

4. RE-DELEGATION AUTHORITY. Further re-delegation is not authorized.

5. ADDITIONAL REFERENCES.

a. Headquarters Delegation 12-2-A, Administrative Enforcement; Issuance or Complaints and Signing of Consent Agreements.

b. Regional Delegation R7-12-2-A, issued under TN 109, dated 2/6/07.

APPROVED: Carol Keller DATE: 2/8/07
Director, Air and Waste Management

APPROVED: Mary Kay Mincey DATE: 2/9/07
Director, Water, Wetlands and Pesticides

APPROVED: Marilyn Steincamp DATE: 2/8/07
Regional Counsel

NOTE: Divisional Delegation R7-DIV-12-2-A, issued under TN DIV 12, dated 9/23/2003 is superseded by this re-delegation. This re-delegation is authorized through the issuance of Regional Delegation R7-12-2-A, approved by the Regional Administrator on 2/6/07.

Requested by CNSL: 2/2/07; Prepared by IRMB 2/6/07 (after receiving the approved Regional Delegation.)

Delegation of Authority

1200 TN 350 12-2A
05/11/1994

12-2A. **Administrative Enforcement: Issuance of Complaints and Signing of Consent Agreements**

1. **AUTHORITY.** To file administrative complaints against alleged violators of the Toxic Substances Control Act (TSCA) for the purpose of proposing civil penalties as provided in the TSCA; and to negotiate and sign consent agreements memorializing settlements between the Agency and respondents.

2. **TO WHOM DELEGATED.** Regional Administrators and the Assistant Administrator for Enforcement and Compliance Assurance.

3. **LIMITATIONS.**
 - a. Regional Administrators must consult with the Assistant Administrator for Enforcement and Compliance Assurance or his/her designee before exercising any of the above authorities. In addition, the Regional Counsels or their designees will conduct all negotiations

 - b. The Assistant Administrator for Enforcement and Compliance Assurance may exercise these authorities in multi-Regional cases or cases of national significance. In addition, the Assistant Administrator for Enforcement and Compliance Assurance must consult in advance with the Assistant Administrator for Chemical Safety and Pollution Prevention or his/her designee and must notify any affected Regional Administrators or their designees when exercising any of the above authorities. In addition, the Assistant Administrator for Enforcement and Compliance Assurance or his/her designee will conduct all negotiations.

 - c. The Assistant Administrator for Enforcement and Compliance Assurance and the Assistant Administrator for Chemical Safety and Pollution Prevention may waive their respective consultation requirements by memorandum.

4. REDELEGATION AUTHORITY.

- a. This authority may be redelegated to the Division Director level.
- b. The authority to negotiate consent agreements may be redelegated to attorneys in assigned cases.
- c. An officer or employee who redelegates authority does not divest herself or himself of the power to exercise that authority, and an official who redelegates authority may revoke such redelegation at any time.

5. ADDITIONAL REFERENCES.

- a. Sections 15 and 16 of TSCA.