

**U.S. ENVIRONMENTAL PROTECTION AGENCY  
REGION 7  
11201 RENNER BOULEVARD  
LENEXA, KANSAS**

**BEFORE THE ADMINISTRATOR**

**In the Matter of:** )  
 )  
**LHP, LLC,** ) **Docket. No. TSCA-07-2014-0029**  
 )  
**Respondent.** )

**JOINT SET OF STIPULATED FACTS, EXHIBITS, AND TESTIMONY**

The Complainant, through its attorney Robert W. Richards, and the Respondent, through its attorney Cynthia M. Rote, (collectively, the “Parties”) hereby file this Joint Set of Stipulated Facts, Exhibits, and Testimony pursuant to the Notice of Hearing and Scheduling Order in this matter dated October 26, 2015, and revised on December 29, 2015.

**I. STIPULATED FACTS**

The Parties stipulate to the following facts:

1. The Complaint was served on the Respondent on February 19, 2015.
2. During all times referenced in the Complaint, Respondent was a limited liability company authorized under the laws of the state of Nebraska.
3. During all times referenced in the Complaint, Respondent was in the business of owning and renting residential housing in the Lincoln, Nebraska area.

4. During all times referenced in the Complaint, Respondent was a person as defined in 40 C.F.R. § 745.83.

5. During all times referenced in the Complaint, Respondent was a firm as defined in 40 C.F.R. § 745.83.

6. During all times referenced in the Complaint, Respondent owned a residential housing unit located at 800 A Street, Lincoln, Nebraska.

7. The housing unit at 800 A Street, Lincoln, Nebraska, was constructed prior to 1978 and was target housing as defined in 40 C.F.R. § 745.103.

8. On November 6 through 8, 2012, Respondent was performing a renovation project at the housing unit at 800 A Street, Lincoln, Nebraska. The Parties dispute whether on November 9, 2012, Respondent was continuing or had ended the renovation project at the housing unit at 800 A Street, Lincoln, Nebraska.

## **II. STIPULATED EXHIBITS**

The Parties stipulate to the authenticity and admissibility of the following exhibits:

1. Complainant's Exhibits: CX-2, CX-3 through CX-41, CX-42, CX-45, and CX-46, as submitted with Complainant's Prehearing Exchange and Rebuttal Prehearing Exchange. CX-2 is stipulated only as to the transmittal cover letter. CX-3 through CX-41 are stipulated as photographs taken by Mr. Paul Clark on November 9, 2012 at the housing unit at 800 A Street, Lincoln, Nebraska.

2. Respondent's Exhibits: RX-1 through RX-2, as submitted with Respondent's Prehearing Exchange.

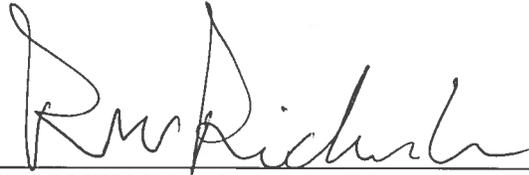
**III. STIPULATED TESTIMONY**

The Parties do not intend to submit stipulated testimony in this matter.

**SIGNATURES**

The signatures of the Parties to this Joint Set of Stipulated Facts, Exhibits, and Testimony are provided in counterparts.

RESPECTFULLY SUBMITTED,  
this 19<sup>th</sup> day of February, 2016

A handwritten signature in black ink, appearing to read "R. W. Richards", written over a horizontal line.

ATTORNEY FOR COMPLAINANT

Robert W. Richards

Attorney

Environmental Protection Agency Region 7

11201 Renner Boulevard

Lenexa, Kansas 66219

(913) 551-7502

richards.robert@epa.gov