

**U. S. ENVIRONMENTAL PROTECTION AGENCY  
BEFORE THE ADMINISTRATOR**

<b>In the Matter of</b>	)	
	)	
<b>Magnolia Waco Properties, LLC d/b/a</b>	)	<b>Docket No. TSCA-HQ-2018-5004</b>
<b>Magnolia Homes</b>	)	<b>CIVIL COMPLAINT AND NOTICE OF</b>
	)	<b>OPPORTUNITY FOR HEARING</b>
	)	
<b>Respondent</b>	)	

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**I. COMPLAINT**

This Complaint and Notice of Opportunity for Hearing (Complaint) is filed pursuant to Section 16(a) of the Toxic Substances Control Act (TSCA), 15 U.S.C. § 2615(a), and the *Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits* (Consolidated Rules of Practice), 40 C.F.R. Part 22, a copy of which is enclosed with this Complaint. The Complainant is Gregory Sullivan, Director, Waste and Chemical Enforcement Division, Office of Civil Enforcement, Office of Enforcement and Compliance Assurance, United States Environmental Protection Agency (EPA), who has been duly delegated the authority to institute this action.

The Respondent is MAGNOLIA WACO PROPERTIES, LLC d/b/a MAGNOLIA HOMES, located at 7503 Bosque Boulevard, Suite 201, Waco, Texas 76712.

Complainant alleges that Respondent has violated the prohibitions of Section 409 of TSCA, 15 U.S.C. § 2689, and the regulatory requirements of 40 C.F.R. Part 745, Subpart E, *Residential Property Renovation*, promulgated pursuant to 15 U.S.C. §§ 2682, 2686, and 2687, as set forth below.

This Complaint further provides notice to Respondent of its right to request a hearing on the material facts alleged by this Complaint and on the appropriateness of the civil penalties proposed herein, as required by Section 16 of TSCA. 15 U.S.C. § 2615(a). The EPA's Consolidated Rules of Practice further specify that Respondent may file an Answer to this Complaint and Notice within 30 days and, if Respondent desires a hearing on the allegations in the Complaint or the assessment of civil penalty, include in its Answer a request for a hearing. 15 U.S.C. § 2615(a), 40 C.F.R. § 22.15(c). In support of this Complaint, Complainant alleges the

following:

### **JURISDICTION**

1. This administrative action for the assessment of civil penalties is instituted pursuant to Section 16(a) of TSCA, 15 U.S.C. § 2615(a), and in accordance with the Consolidated Rules of Practice.

### **PARTIES**

2. Complainant is Gregory Sullivan in his official capacity as Director of the Waste and Chemical Enforcement Division of the Office of Civil Enforcement in EPA's Office of Enforcement and Compliance Assurance. Complainant is authorized by lawful delegation from the Administrator of the EPA to initiate and resolve civil administrative actions brought pursuant to Sections 15, 16, and 409 of TSCA, 15 U.S.C. §§ 2614, 2615, and 2689.

3. Respondent is Magnolia Waco Properties, LLC d/b/a Magnolia Homes, an active limited liability corporation registered in the state of Texas, found at 7503 Bosque Boulevard, Suite 201, Waco, TX 76712. The corporate officers responsible for Magnolia Waco Properties, LLC d/b/a Magnolia Homes include Chip Carter Gaines (Director and President), Joanna Gaines (Director and Vice President), and Ken Mathis (Chief Financial Officer and Registered Agent).

### **STATUTORY AND REGULATORY BACKGROUND**

4. Congress passed the Residential Lead-Based Paint Hazard Reduction Act of 1992, 42 U.S.C. §§ 4851 to 4856, to address the need to control exposure to lead-based paint hazards. One of the stated purposes of the Act is to implement a broad program to reduce lead-based paint hazards in the Nation's housing stock. 42 U.S.C. § 4851a(2). The Act amended TSCA by adding *Title IV—Lead Exposure Reduction*, Sections 401 to 412, 15 U.S.C. §§ 2681 to 2692.

5. Section 402 of TSCA, 15 U.S.C. § 2682, requires that the Administrator of EPA promulgate regulations governing the training and certification of individuals and contractors engaged in lead-based paint activities, including renovation of residences built prior to 1978. Section 406 of TSCA, 15 U.S.C. § 2686, requires that the Administrator promulgate regulations

requiring persons who perform for compensation a renovation of target housing to provide a lead hazard information pamphlet to the owner and occupant prior to commencing the renovation. Section 407 of TSCA, 15 U.S.C. § 2687, requires that the regulations promulgated pursuant to the TSCA include recordkeeping and reporting requirements to insure effective implementation. Section 409 of TSCA, 15 U.S.C. § 2689, makes it unlawful for any person to fail or refuse to comply with these sections of TSCA, as well as all other provisions, rules or orders under Subchapter IV of TSCA.

6. In 1996, the 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, *Lead Based Paint Activities*. In 1998, the EPA promulgated regulations to implement Section 406(b) and Section 407 of TSCA, 15 U.S.C. § 2686(b) and 2687. These regulations were set forth at 40 C.F.R. Part 745, Subpart E, *Residential Property Renovation*. In 2008, the EPA promulgated regulations to implement Section 402(c)(3) of TSCA, 15 U.S.C. § 2682(c)(3), by amending and recodifying regulations at 40 C.F.R. Part 745, Subparts E and L, and adding additional regulations at 40 C.F.R. Subpart L (Renovation, Repair, and Painting Rule). *See* Lead; Renovation, Repair, and Painting Program, 73 Fed. Reg. 21692, 21758 (Mar. 31, 2008).

7. The Renovation, Repair, and Painting Rule establishes work practice standards for renovations that disturb lead-based paint in target housing and child-occupied facilities and requires firms and individuals performing, offering, or claiming to perform such renovations to obtain EPA certification.

8. The regulations at 40 C.F.R. §§ 745.80 and 745.82(a) provide that the regulations contained in 40 C.F.R. Subpart E, *Residential Property Renovation*, apply to all renovations performed for compensation in target housing and child-occupied facilities.

9. The regulation at 40 C.F.R. § 745.83 defines “renovation” as the modification of any existing structure, or portion thereof, that results in the disturbance of painted surfaces, unless that activity is performed as part of an abatement as defined by 40 C.F.R. § 745.223. The term renovation includes, but is not limited to, the removal, modification, or repair of painted surfaces or

painted components (*e.g.*, modification of painted doors, surface restoration, window repair, surface preparation activity (such as sanding, scraping, or other such activities that may generate paint dust)); the removal of building components (*e.g.*, walls, ceilings, plumbing, windows); weatherization projects (*e.g.*, cutting holes in painted surfaces to install blown-in insulation or to gain access to attics, planing thresholds to install weather stripping); and interim controls that disturb painted surfaces.

10. Section 401(17) of TSCA, 15 U.S.C. § 2681(17), defines “target housing” as any housing constructed prior to 1978, except housing for the elderly or persons with disabilities or any zero-bedroom dwelling (unless any child who is less than six years of age resides or is expected to reside in such housing).

11. The regulation at 40 C.F.R. § 745.83 defines “firm” as a company, partnership, corporation, sole proprietorship or individual doing business, association, or other business entity; a Federal, State, Tribal, or local government agency; or a nonprofit organization.

12. The regulation at 40 C.F.R. § 745.83 defines “person” as any natural or judicial person including any individual, corporation, partnership, or association; any Indian Tribe, State, or political subdivision thereof; any interstate body; and any department, agency, or instrumentality of the Federal Government.

13. The regulation at 40 C.F.R. § 745.87(a) provides that failure or refusal to comply with any provision of 40 C.F.R. Part 745, Subpart E, is a violation of Section 409 of TSCA, 15 U.S.C. § 2689. Section 409 of TSCA, 15 U.S.C. § 2689, provides that it shall be unlawful for any person to fail to comply with, *inter alia*, any provision of 40 C.F.R. Part 745, Subpart E.

14. The regulation at 40 C.F.R. § 745.87(d) provides that violators may be subject to civil sanctions pursuant to Section 16 of TSCA, 15 U.S.C. § 2615. Section 16(a) of TSCA, 15 U.S.C. § 2615(a), provides that any person who violates Section 409 of TSCA, 15 U.S.C. § 2689, shall be liable to the United States for a civil penalty of up to \$25,000 for each such violation. Each day that such a violation continues constitutes a separate violation of Section 409

of TSCA, 15 U.S.C. § 2614. The Federal Civil Penalties Inflation Adjustment Act of 1990, 28 U.S.C. § 2461, as amended by the Debt Collection Improvement Act of 1996, 31 U.S.C. § 3701, and the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015, 28 U.S.C. § 2461, and implementing regulations at 40 C.F.R. Part 19 increased these statutory maximum penalties to \$37,500 for violations that occur after January 12, 2009, and to \$38,114 for violations that occur after November 2, 2015, and are assessed on or after January 15, 2017.

### **GENERAL FACTUAL ALLEGATIONS COMMON TO ALL COUNTS**

15. Respondent is, and at the time of all the allegations set forth herein was, a limited liability corporation established under the laws of the state of Texas and doing business in the state of Texas.

16. At the time of all the allegations set forth herein, Respondent, through its employees, officers and shareholders, including Respondent's Director and President, Chip Carter Gaines, engaged in the renovation of at least 32 target housing units. All of these target housing units are located in Texas.

17. Respondent, at all times referred to herein, was a "person" and "firm" as defined by 40 C.F.R. § 745.83.

18. At all times relevant to this Complaint, each of the renovations performed by Respondent was a "renovation for compensation" as specified in 40 C.F.R. § 745.82(a).

19. At the time each housing unit was renovated by Respondent, it was "target housing" as defined by Section 401(17) of TSCA, 15 U.S.C. § 2681(17).

20. In each renovation performed by Respondent at each housing unit specified in this Complaint, Respondent performed at least one of the following:

- a. activities that disrupted more than six square feet of painted surface on the interior of the building;

- b. activities that disrupted more than twenty square feet of painted surface on the exterior of the building;
- c. work practices prohibited or restricted by 40 C.F.R. § 745.85(a)(3);
- d. work involving replacement of a window; or
- e. work involving demolition of painted surface areas.

21. At the time each housing unit was renovated by Respondent, Respondent did not test the affected surfaces for the presence of lead-based paint prior to beginning the renovation.

22. Each housing unit described herein was unoccupied at the time of its renovation.

23. Beginning on or around May 23, 2013, renovation activities performed by Respondent were depicted on the television program *Fixer Upper*.

24. Pursuant to Section 11 of TSCA, 15 U.S.C. § 2610, and the record-keeping requirements set forth at 40 C.F.R. §§ 745.84 and 745.86, on December 18, 2015, representatives of the EPA requested information and documentation necessary to assess Respondent's compliance with TSCA and the requirements of the Renovation, Repair, and Painting Rule for all renovations of housing constructed prior to 1978 featured in recent seasons of *Fixer Upper*, and all of Respondent's other renovation activities in pre-1978 housing in the prior year.

25. On February 11, 2016, and on April 8, 2016, Respondent provided EPA with information and documentation about the renovations subject to EPA's December 18, 2015, request, including renovations commenced between October 1, 2012, and November 19, 2015.

26. The material provided to EPA by Respondent and the publicly available video recordings demonstrate that Respondent violated the Renovation, Repair, and Painting Rule and Section 409 of TSCA, 15 U.S.C. § 2689, as a result of Respondent's renovation activities at each of the housing units described in this Complaint.

### **ALLEGED VIOLATIONS**

The Complainant hereby states and alleges that Respondent has violated TSCA and federal regulations promulgated thereunder as follows:

**FAILURE OF A FIRM TO OBTAIN INITIAL CERTIFICATION  
APPLICABLE TO ALL TARGET HOUSING UNITS HEREIN**

**COUNT 1**

27. Each and every preceding paragraph is incorporated by reference herein.

28. Pursuant to 40 C.F.R. § 745.81(a)(2)(ii), firms performing renovations for compensation on or after April 22, 2010, must be certified by the EPA and have obtained initial certification prior to performance of renovations, unless the renovation qualifies for one of the exceptions identified in 40 C.F.R. § 745.82. The regulation at 40 C.F.R. § 745.89(a)(1) requires firms that perform renovations for compensation to apply to EPA for certification to perform renovations or dust sampling.

29. Respondent did not apply for or obtain certification from the EPA to perform renovations or dust sampling prior to performing the renovations on the target housing units described in this Complaint. Furthermore, these renovations did not qualify for one of the exceptions identified in 40 C.F.R. § 745.82.

30. Respondent's failure to apply to the EPA for certification pursuant to 40 C.F.R. § 745.89(a)(1) prior to performance of the renovations on any of the target housing units described in this Complaint is a violation of 40 C.F.R. § 745.81(a)(2)(ii). Respondent, therefore, violated Section 409 of TSCA, 15 U.S.C. § 2689.

**121 CASTLE AVENUE, WACO, TEXAS**

**COUNT 2**

31. Each and every preceding paragraph is incorporated by reference herein.

32. Counts 2 through 8 herein apply to the property located at 121 Castle Avenue, Waco, Texas, the “Castle Avenue Property,” which was target housing, having been built in approximately 1936, and which Respondent began renovating in or around October 2012.

33. Respondent performed a regulated renovation at the Castle Avenue Property.

34. Pursuant to 40 C.F.R. § 745.89(d)(1), firms performing renovations for compensation must assign a certified renovator to each renovation performed by the firm in accordance with 40 C.F.R. § 745.90.

35. Respondent failed to assign a certified renovator to the renovation at the Castle Avenue Property.

36. Respondent’s failure to assign a certified renovator to the renovation at the Castle Avenue Property is a violation of 40 C.F.R. § 745.89(d)(1). Respondent, therefore, violated Section 409 of TSCA, 15 U.S.C. § 2689.

### **COUNT 3**

37. Each and every preceding paragraph is incorporated by reference herein.

38. The regulations at 40 C.F.R. § 745.84(a)(1) require that, no more than 60 days before beginning renovation activities in any residential dwelling unit of target housing, the firm performing the renovation must provide the owner of the unit with the EPA approved lead hazard information pamphlet titled *Renovate Right: Important Lead Hazard Information for Families, Child Care Providers and Schools*.

39. Respondent failed to provide the owner of the Castle Avenue Property with the EPA approved lead hazard information pamphlet.

40. Respondent’s failure to provide the owner of the Castle Avenue Property with the

EPA approved lead hazard information pamphlet is a violation of 40 C.F.R. § 745.84(a)(1). Respondent, therefore, violated Section 409 of TSCA, 15 U.S.C. § 2689.

#### **COUNT 4**

41. Each and every preceding paragraph is incorporated by reference herein.

42. The regulations at 40 C.F.R. § 745.86(b)(6) require that firms performing renovations must retain documentation that renovation activities complied with the work practice standards contained in 40 C.F.R. § 745.85 for a period of 3 years pursuant to 40 C.F.R. § 745.86(a).

43. Respondent failed to retain documentation that renovation activities performed at the Castle Avenue Property complied with the work practice standards contained in 40 C.F.R. § 745.85, as required by 40 C.F.R. § 745.86(b)(6).

44. Respondent's failure to retain documentation that renovation activities performed at the Castle Avenue Property complied with the work practice standards contained in 40 C.F.R. § 745.85, as required by 40 C.F.R. § 745.86(b)(6), is a violation of Section 409 of TSCA, 15 U.S.C. § 2689.

#### **COUNT 5**

45. Each and every preceding paragraph is incorporated by reference herein.

46. Pursuant to 40 C.F.R. § 745.81(a)(4)(ii), all renovations must be performed in accordance with the work practice standards in 40 C.F.R. § 745.85. The regulation at 40 C.F.R. § 745.85(a)(1) requires 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.

47. Respondent failed to post signs at the Castle Avenue Property as required by 40 C.F.R. § 745.85(a)(1).

48. Respondent's failure to post signs clearly defining the work area and warning occupants and other persons not involved in renovation to remain outside of the work area at the Castle Avenue Property is a violation of 40 C.F.R. § 745.85(a)(1) pursuant to 40 C.F.R. § 745.81(a)(4)(ii). Respondent, therefore, violated Section 409 of TSCA, 15 U.S.C. § 2689.

#### **COUNT 6**

49. Each and every preceding paragraph is incorporated by reference herein.

50. Pursuant to 40 C.F.R. § 745.81(a)(4)(ii), all renovations must be performed in accordance with the work practice standards in 40 C.F.R. § 745.85. For interior renovations, the regulation at 40 C.F.R. § 745.85(a)(2)(i)(D) requires firms to cover the floor surface, including installed carpet, with taped-down plastic sheeting or other impermeable material in the work area six feet beyond the perimeter of surfaces undergoing renovation or a sufficient distance to contain the dust, whichever is greater.

51. Respondent failed to cover the floor surface at the Castle Avenue Property with taped-down plastic sheeting or other impermeable material in the work area six feet beyond the perimeter of surfaces undergoing renovation or a sufficient distance to contain the dust, whichever is greater, as required by 40 C.F.R. § 745.85(a)(2)(i)(D).

52. Respondent's failure to cover the floor surface in the work area at the Castle Avenue Property with taped-down plastic sheeting or other impermeable material is a violation of 40 C.F.R. § 745.85(a)(2)(i)(D) pursuant to 40 C.F.R. § 745.81(a)(4)(ii). Respondent, therefore, violated Section 409 of TSCA, 15 U.S.C. § 2689.

#### **COUNT 7**

53. Each and every preceding paragraph is incorporated by reference herein.

54. Pursuant to 40 C.F.R. § 745.81(a)(4)(ii), all renovations must be performed in accordance with the work practice standards in 40 C.F.R. § 745.85. For exterior renovations, the

regulation at 40 C.F.R. § 745.85(a)(2)(ii)(C) requires firms to cover the ground with plastic sheeting or other impermeable material in the work area ten feet beyond the renovation or a sufficient distance to collect falling paint debris, whichever is greater.

55. Respondent failed to cover the ground at the Castle Avenue Property with impermeable material in the work area ten feet beyond the renovation or a sufficient distance to collect falling paint debris, whichever is greater, as required by 40 C.F.R. § 745.85(a)(2)(ii)(C).

56. Respondent's failure to cover the ground at the Castle Avenue Property with impermeable material in the work area ten feet beyond the renovation or a sufficient distance to collect falling paint debris, whichever is greater, is a violation of 40 C.F.R. § 745.85(a)(2)(ii)(C) pursuant to 40 C.F.R. § 745.81(a)(4)(ii). Respondent, therefore, violated Section 409 of TSCA, 15 U.S.C. § 2689.

#### **COUNT 8**

57. Each and every preceding paragraph is incorporated by reference herein.

58. Pursuant to 40 C.F.R. § 745.81(a)(4)(ii), all renovations must be performed in accordance with the work practice standards in 40 C.F.R. § 745.85. The regulation at 40 C.F.R. § 745.85(a)(4)(i) requires firms 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.

59. Respondent failed to contain waste from renovation activities at the Castle Avenue Property and to prevent the release of dust and debris before the waste is removed from the work area for storage or disposal, as required by 40 C.F.R. § 745.85(a)(4)(i).

60. Respondent's 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 at the Castle Avenue Property is a violation of 40 C.F.R. § 745.85(a)(4)(i) pursuant to 40 C.F.R. § 745.81(a)(4)(ii). Respondent, therefore, violated Section 409 of TSCA, 15 U.S.C. § 2689.

**2001 GORMAN AVENUE, WACO, TEXAS**

**COUNT 9**

61. Each and every preceding paragraph is incorporated by reference herein.

62. Counts 9 through 15 herein apply to the property located at 2001 Gorman Avenue, Waco, Texas, the “2001 Gorman Avenue Property,” which was target housing, having been built in approximately 1927, and which was renovated by Respondent in or around July 2013.

63. Respondent performed a regulated renovation at the 2001 Gorman Avenue Property.

64. Pursuant to 40 C.F.R. § 745.89(d)(1), firms performing renovations for compensation must assign a certified renovator to each renovation performed by the firm in accordance with 40 C.F.R. § 745.90.

65. Respondent failed to assign a certified renovator to the renovation at the 2001 Gorman Avenue Property.

66. Respondent’s failure to assign a certified renovator to the renovation at the 2001 Gorman Avenue Property is a violation of 40 C.F.R. § 745.89(d)(1). Respondent, therefore, violated Section 409 of TSCA, 15 U.S.C. § 2689.

**COUNT 10**

67. Each and every preceding paragraph is incorporated by reference herein.

68. The regulations at 40 C.F.R. § 745.84(a)(1) require that, no more than 60 days before beginning renovation activities in any residential dwelling unit of target housing, the firm performing the renovation must provide the owner of the unit with the EPA approved lead hazard information pamphlet titled *Renovate Right: Important Lead Hazard Information for Families, Child Care Providers and Schools*.

69. Respondent failed to provide the owner of the 2001 Gorman Avenue Property with the EPA approved lead hazard information pamphlet.

70. Respondent's failure to provide the owner of the 2001 Gorman Avenue Property with the EPA approved lead hazard information pamphlet is a violation of 40 C.F.R. § 745.84(a)(1). Respondent, therefore, violated Section 409 of TSCA, 15 U.S.C. § 2689.

### **COUNT 11**

71. Each and every preceding paragraph is incorporated by reference herein.

72. The regulations at 40 C.F.R. § 745.86(b)(6) require that firms performing renovations must retain documentation that renovation activities complied with the work practice standards contained in 40 C.F.R. § 745.85 for a period of 3 years pursuant to 40 C.F.R. § 745.86(a).

73. Respondent failed to retain documentation that renovation activities performed at the 2001 Gorman Avenue Property complied with the work practice standards contained in 40 C.F.R. § 745.85, as required by 40 C.F.R. § 745.86(b)(6).

74. Respondent's failure to retain documentation that renovation activities performed at the 2001 Gorman Avenue Property complied with the work practice standards contained in 40 C.F.R. § 745.85, as required by 40 C.F.R. § 745.86(b)(6), is a violation of Section 409 of TSCA, 15 U.S.C. § 2689.

### **COUNT 12**

75. Each and every preceding paragraph is incorporated by reference herein.

76. Pursuant to 40 C.F.R. § 745.81(a)(4)(ii), all renovations must be performed in accordance with the work practice standards in 40 C.F.R. § 745.85. The regulation at 40 C.F.R. § 745.85(a)(1) requires 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.

77. Respondent failed to post signs at the 2001 Gorman Avenue Property as required by 40 C.F.R. § 745.85(a)(1).

78. Respondent's failure to post signs clearly defining the work area and warning occupants and other persons not involved in renovation to remain outside of the work area at the 2001 Gorman Avenue Property is a violation of 40 C.F.R. § 745.85(a)(1) pursuant to 40 C.F.R. § 745.81(a)(4)(ii). Respondent, therefore, violated Section 409 of TSCA, 15 U.S.C. § 2689.

### **COUNT 13**

79. Each and every preceding paragraph is incorporated by reference herein.

80. Pursuant to 40 C.F.R. § 745.81(a)(4)(ii), all renovations must be performed in accordance with the work practice standards in 40 C.F.R. § 745.85. For interior renovations, the regulation at 40 C.F.R. § 745.85(a)(2)(i)(D) requires firms to cover the floor surface, including installed carpet, with taped-down plastic sheeting or other impermeable material in the work area six feet beyond the perimeter of surfaces undergoing renovation or a sufficient distance to contain the dust, whichever is greater.

81. Respondent failed to cover the floor surface at the 2001 Gorman Avenue Property with taped-down plastic sheeting or other impermeable material in the work area six feet beyond the perimeter of surfaces undergoing renovation or a sufficient distance to contain the dust, whichever is greater, as required by 40 C.F.R. § 745.85(a)(2)(i)(D).

82. Respondent's failure to cover the floor surface in the work area at the 2001 Gorman Avenue Property with taped-down plastic sheeting or other impermeable material is a violation of 40 C.F.R. § 745.85(a)(2)(i)(D) pursuant to 40 C.F.R. § 745.81(a)(4)(ii). Respondent, therefore, violated Section 409 of TSCA, 15 U.S.C. § 2689.

### **COUNT 14**

83. Each and every preceding paragraph is incorporated by reference herein.

84. Pursuant to 40 C.F.R. § 745.81(a)(4)(ii), all renovations must be performed in accordance with the work practice standards in 40 C.F.R. § 745.85. For exterior renovations, the regulation at 40 C.F.R. § 745.85(a)(2)(ii)(C) requires firms to cover the ground with plastic sheeting or other impermeable material in the work area ten feet beyond the renovation or a sufficient distance to collect falling paint debris, whichever is greater.

85. Respondent failed to cover the ground at the 2001 Gorman Avenue Property with impermeable material in the work area ten feet beyond the renovation or a sufficient distance to collect falling paint debris, whichever is greater, as required by 40 C.F.R. § 745.85(a)(2)(ii)(C).

86. Respondent's failure to cover the ground at the 2001 Gorman Avenue Property with impermeable material in the work area ten feet beyond the renovation or a sufficient distance to collect falling paint debris, whichever is greater, is a violation of 40 C.F.R. § 745.85(a)(2)(ii)(C) pursuant to 40 C.F.R. § 745.81(a)(4)(ii). Respondent, therefore, violated Section 409 of TSCA, 15 U.S.C. § 2689.

#### **COUNT 15**

87. Each and every preceding paragraph is incorporated by reference herein.

88. Pursuant to 40 C.F.R. § 745.81(a)(4)(ii), all renovations must be performed in accordance with the work practice standards in 40 C.F.R. § 745.85. The regulation at 40 C.F.R. § 745.85(a)(4)(i) requires firms 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.

89. Respondent failed to contain waste from renovation activities at the 2001 Gorman Avenue Property and to prevent the release of dust and debris before the waste is removed from the work area for storage or disposal, as required by 40 C.F.R. § 745.85(a)(4)(i).

90. Respondent's 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 at the 2001 Gorman Avenue Property is a violation of 40 C.F.R. § 745.85(a)(4)(i) pursuant to 40 C.F.R. § 745.81(a)(4)(ii). Respondent, therefore, violated Section 409 of TSCA, 15 U.S.C. § 2689.

**8325 GATECREST DRIVE, WOODWAY, TEXAS**

**COUNT 16**

91. Each and every preceding paragraph is incorporated by reference herein.

92. Counts 16 through 20 herein apply to the property located at 8325 Gatecrest Drive, Woodway, Texas, the "Gatecrest Drive Property," which was target housing, having been built in approximately 1973, and which was renovated by Respondent in or around September 2013.

93. Respondent performed a regulated renovation at the Gatecrest Drive Property.

94. Pursuant to 40 C.F.R. § 745.89(d)(1), firms performing renovations for compensation must assign a certified renovator to each renovation performed by the firm in accordance with 40 C.F.R. § 745.90.

95. Respondent failed to assign a certified renovator to the renovation at the Gatecrest Drive Property.

96. Respondent's failure to assign a certified renovator to the renovation at the Gatecrest Drive Property is a violation of 40 C.F.R. § 745.89(d)(1). Respondent, therefore, violated Section 409 of TSCA, 15 U.S.C. § 2689.

**COUNT 17**

97. Each and every preceding paragraph is incorporated by reference herein.

98. The regulations at 40 C.F.R. § 745.84(a)(1) require that, no more than 60 days

before beginning renovation activities in any residential dwelling unit of target housing, the firm performing the renovation must provide the owner of the unit with the EPA approved lead hazard information pamphlet titled *Renovate Right: Important Lead Hazard Information for Families, Child Care Providers and Schools*.

99. Respondent failed to provide the owner of the Gatecrest Drive Property with the EPA approved lead hazard information pamphlet.

100. Respondent's failure to provide the owner of the Gatecrest Drive Property with the EPA approved lead hazard information pamphlet is a violation of 40 C.F.R. § 745.84(a)(1). Respondent, therefore, violated Section 409 of TSCA, 15 U.S.C. § 2689.

#### **COUNT 18**

101. Each and every preceding paragraph is incorporated by reference herein.

102. The regulations at 40 C.F.R. § 745.86(b)(6) require that firms performing renovations must retain documentation that renovation activities complied with the work practice standards contained in 40 C.F.R. § 745.85 for a period of 3 years pursuant to 40 C.F.R. § 745.86(a).

103. Respondent failed to retain documentation that renovation activities performed at the Gatecrest Drive Property complied with the work practice standards contained in 40 C.F.R. § 745.85, as required by 40 C.F.R. § 745.86(b)(6).

104. Respondent's failure to retain documentation that renovation activities performed at the Gatecrest Drive Property complied with the work practice standards contained in 40 C.F.R. § 745.85, as required by 40 C.F.R. § 745.86(b)(6), is a violation of Section 409 of TSCA, 15 U.S.C. § 2689.

#### **COUNT 19**

105. Each and every preceding paragraph is incorporated by reference herein.

106. Pursuant to 40 C.F.R. § 745.81(a)(4)(ii), all renovations must be performed in accordance with the work practice standards in 40 C.F.R. § 745.85. The regulation at 40 C.F.R. § 745.85(a)(2)(i)(C) requires firms to close all doors and windows within the renovation work area.

107. Respondent did not close all doors and windows within the renovation work area at the Gatecrest Drive Property as required by 40 C.F.R. § 745.85(a)(2)(i)(C).

108. Respondent's failure to close all doors and windows within the renovation work area at the Gatecrest Drive Property is a violation of 40 C.F.R. § 745.85(a)(2)(i)(C) pursuant to 40 C.F.R. § 745.81(a)(4)(ii). Respondent, therefore, violated Section 409 of TSCA, 15 U.S.C. § 2689.

### **COUNT 20**

109. Each and every preceding paragraph is incorporated by reference herein.

110. Pursuant to 40 C.F.R. § 745.81(a)(4)(ii), all renovations must be performed in accordance with the work practice standards in 40 C.F.R. § 745.85. For interior renovations, the regulation at 40 C.F.R. § 745.85(a)(2)(i)(D) requires firms to cover the floor surface, including installed carpet, with taped-down plastic sheeting or other impermeable material in the work area six feet beyond the perimeter of surfaces undergoing renovation or a sufficient distance to contain the dust, whichever is greater.

111. Respondent failed to cover the floor surface at the Gatecrest Drive Property with taped-down plastic sheeting or other impermeable material in the work area six feet beyond the perimeter of surfaces undergoing renovation or a sufficient distance to contain the dust, whichever is greater, as required by 40 C.F.R. § 745.85(a)(2)(i)(D).

112. Respondent's failure to cover the floor surface in the work area at the Gatecrest Drive Property with taped-down plastic sheeting or other impermeable material is a violation of 40 C.F.R. § 745.85(a)(2)(i)(D) pursuant to 40 C.F.R. § 745.81(a)(4)(ii). Respondent, therefore,

violated Section 409 of TSCA, 15 U.S.C. § 2689.

**211 NORTH 40TH STREET, WACO, TEXAS**

**COUNT 21**

113. Each and every preceding paragraph is incorporated by reference herein.

114. Counts 21 through 26 herein apply to the property located at 211 North 40th Street, Waco, Texas, the “North 40th Street Property,” which was target housing, having been built in approximately 1951, and which was renovated by Respondent in or around September 2013.

115. Respondent performed a regulated renovation at the North 40th Street Property.

116. Pursuant to 40 C.F.R. § 745.89(d)(1), firms performing renovations for compensation must assign a certified renovator to each renovation performed by the firm in accordance with 40 C.F.R. § 745.90.

117. Respondent failed to assign a certified renovator to the renovation at the North 40th Street Property.

118. Respondent’s failure to assign a certified renovator to the renovation at the North 40th Street Property is a violation of 40 C.F.R. § 745.89(d)(1). Respondent, therefore, violated Section 409 of TSCA, 15 U.S.C. § 2689.

**COUNT 22**

119. Each and every preceding paragraph is incorporated by reference herein.

120. The regulations at 40 C.F.R. § 745.84(a)(1) require that, no more than 60 days before beginning renovation activities in any residential dwelling unit of target housing, the firm performing the renovation must provide the owner of the unit with the EPA approved lead hazard information pamphlet titled *Renovate Right: Important Lead Hazard Information for Families*.

*Child Care Providers and Schools.*

121. Respondent failed to provide the owner of the North 40th Street Property with the EPA approved lead hazard information pamphlet.

122. Respondent's failure to provide the owner of the North 40th Street Property with the EPA approved lead hazard information pamphlet is a violation of 40 C.F.R. § 745.84(a)(1). Respondent, therefore, violated Section 409 of TSCA, 15 U.S.C. § 2689.

**COUNT 23**

123. Each and every preceding paragraph is incorporated by reference herein.

124. The regulations at 40 C.F.R. § 745.86(b)(6) require that firms performing renovations must retain documentation that renovation activities complied with the work practice standards contained in 40 C.F.R. § 745.85 for a period of 3 years pursuant to 40 C.F.R. § 745.86(a).

125. Respondent failed to retain documentation that renovation activities performed at the North 40th Street Property complied with the work practice standards contained in 40 C.F.R. § 745.85, as required by 40 C.F.R. § 745.86(b)(6).

126. Respondent's failure to retain documentation that renovation activities performed at the North 40th Street Property complied with the work practice standards contained in 40 C.F.R. § 745.85, as required by 40 C.F.R. § 745.86(b)(6), is a violation of Section 409 of TSCA, 15 U.S.C. § 2689.

**COUNT 24**

127. Each and every preceding paragraph is incorporated by reference herein.

128. Pursuant to 40 C.F.R. § 745.81(a)(4)(ii), all renovations must be performed in accordance with the work practice standards in 40 C.F.R. § 745.85. The regulation at 40 C.F.R.

§ 745.85(a)(2)(i)(C) requires firms to close all doors and windows within the renovation work area.

129. Respondent did not close all doors and windows within the renovation work area at the North 40th Street Property as required by 40 C.F.R. § 745.85(a)(2)(i)(C).

130. Respondent's failure to close all doors and windows within renovation work area at the North 40th Street Property is a violation of 40 C.F.R. § 745.85(a)(2)(i)(C) pursuant to 40 C.F.R. § 745.81(a)(4)(ii). Respondent, therefore, violated Section 409 of TSCA, 15 U.S.C. § 2689.

### **COUNT 25**

131. Each and every preceding paragraph is incorporated by reference herein.

132. Pursuant to 40 C.F.R. § 745.81(a)(4)(ii), all renovations must be performed in accordance with the work practice standards in 40 C.F.R. § 745.85. For interior renovations, the regulation at 40 C.F.R. § 745.85(a)(2)(i)(D) requires firms to cover the floor surface, including installed carpet, with taped-down plastic sheeting or other impermeable material in the work area six feet beyond the perimeter of surfaces undergoing renovation or a sufficient distance to contain the dust, whichever is greater.

133. At the North 40th Street Property, Respondent failed to cover the floor surface with taped-down plastic sheeting or other impermeable material in the work area six feet beyond the perimeter of surfaces undergoing renovation or a sufficient distance to contain the dust, whichever is greater, as required by 40 C.F.R. § 745.85(a)(2)(i)(D).

134. Respondent's failure to cover the floor surface in the work area at the North 40th Street Property with taped-down plastic sheeting or other impermeable material is a violation of 40 C.F.R. § 745.85(a)(2)(i)(D) pursuant to 40 C.F.R. § 745.81(a)(4)(ii). Respondent, therefore, violated Section 409 of TSCA, 15 U.S.C. § 2689.

### **COUNT 26**

135. Each and every preceding paragraph is incorporated by reference herein.

136. Pursuant to 40 C.F.R. § 745.81(a)(4)(ii), all renovations must be performed in accordance with the work practice standards in 40 C.F.R. § 745.85. The regulation at 40 C.F.R. § 745.85(a)(4)(i) requires firms 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.

137. At the North 40th Street Property, Respondent failed 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, as required by 40 C.F.R. § 745.85(a)(4)(i).

138. Respondent's 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 at the North 40th Street Property is a violation of 40 C.F.R. § 745.85(a)(4)(i) pursuant to 40 C.F.R. § 745.81(a)(4)(ii). Respondent, therefore, violated Section 409 of TSCA, 15 U.S.C. § 2689.

**3207 3<sup>RD</sup> STREET, WACO, TEXAS**

**COUNT 27**

139. Each and every preceding paragraph is incorporated by reference herein.

140. Counts 27 through 34 herein apply to the property located at 3207 3<sup>rd</sup> Street, Waco, Texas, the "3<sup>rd</sup> Street Property," which was target housing, having been built in approximately 1949, and which was renovated by Respondent in or around September 2013.

141. Respondent performed a regulated renovation at the 3<sup>rd</sup> Street Property.

142. Pursuant to 40 C.F.R. § 745.89(d)(1), firms performing renovations for compensation must assign a certified renovator to each renovation performed by the firm in accordance with 40 C.F.R. § 745.90.

143. Respondent failed to assign a certified renovator to the renovation at the 3<sup>rd</sup> Street

Property.

144. Respondent's failure to assign a certified renovator to the renovation at the 3<sup>rd</sup> Street Property is a violation of 40 C.F.R. § 745.89(d)(1). Respondent, therefore, violated Section 409 of TSCA, 15 U.S.C. § 2689.

**COUNT 28**

145. Each and every preceding paragraph is incorporated by reference herein.

146. The regulations at 40 C.F.R. § 745.84(a)(1) require that, no more than 60 days before beginning renovation activities in any residential dwelling unit of target housing, the firm performing the renovation must provide the owner of the unit with the EPA approved lead hazard information pamphlet titled *Renovate Right: Important Lead Hazard Information for Families, Child Care Providers and Schools*.

147. Respondent failed to provide the owner of the 3<sup>rd</sup> Street Property with the EPA approved lead hazard information pamphlet.

148. Respondent's failure to provide the owner of the 3<sup>rd</sup> Street Property with the EPA approved lead hazard information pamphlet is a violation of 40 C.F.R. § 745.84(a)(1). Respondent, therefore, violated Section 409 of TSCA, 15 U.S.C. § 2689.

**COUNT 29**

149. Each and every preceding paragraph is incorporated by reference herein.

150. The regulations at 40 C.F.R. § 745.86(b)(6) require that firms performing renovations must retain documentation that renovation activities complied with the work practice standards contained in 40 C.F.R. § 745.85 for a period of 3 years pursuant to 40 C.F.R. § 745.86(a).

151. Respondent failed to retain documentation that renovation activities performed at the

3<sup>rd</sup> Street Property complied with the work practice standards contained in 40 C.F.R. § 745.85, as required by 40 C.F.R. § 745.86(b)(6).

152. Respondent's failure to retain documentation that renovation activities performed at the 3<sup>rd</sup> Street Property complied with the work practice standards contained in 40 C.F.R. § 745.85, as required by 40 C.F.R. § 745.86(b)(6), is a violation of Section 409 of TSCA, 15 U.S.C. § 2689.

### **COUNT 30**

153. Each and every preceding paragraph is incorporated by reference herein.

154. Pursuant to 40 C.F.R. § 745.81(a)(4)(ii), all renovations must be performed in accordance with the work practice standards in 40 C.F.R. § 745.85. The regulation at 40 C.F.R. § 745.85(a)(1) requires 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.

155. Respondent failed to post signs at the 3<sup>rd</sup> Street Property as required by 40 C.F.R. § 745.85(a)(1).

156. Respondent's failure to post signs clearly defining the work area and warning occupants and other persons not involved in renovation to remain outside of the work area at the 3<sup>rd</sup> Street Property is a violation of 40 C.F.R. § 745.85(a)(1) pursuant to 40 C.F.R. § 745.81(a)(4)(ii). Respondent, therefore, violated Section 409 of TSCA, 15 U.S.C. § 2689.

### **COUNT 31**

157. Each and every preceding paragraph is incorporated by reference herein.

158. Pursuant to 40 C.F.R. § 745.81(a)(4)(ii), all renovations must be performed in accordance with the work practice standards in 40 C.F.R. § 745.85. The regulation at 40 C.F.R. § 745.85(a)(2)(i)(C) requires firms to close all doors and windows within the renovation work area.

159. Respondent did not close all doors and windows within the renovation work area at the 3<sup>rd</sup> Street Property as required by 40 C.F.R. § 745.85(a)(2)(i)(C).

160. Respondent's failure to close all doors and windows within renovation work area at the 3<sup>rd</sup> Street Property is a violation of 40 C.F.R. § 745.85(a)(2)(i)(C) pursuant to 40 C.F.R. § 745.81(a)(4)(ii). Respondent, therefore, violated Section 409 of TSCA, 15 U.S.C. § 2689.

### **COUNT 32**

161. Each and every preceding paragraph is incorporated by reference herein.

162. Pursuant to 40 C.F.R. § 745.81(a)(4)(ii), all renovations must be performed in accordance with the work practice standards in 40 C.F.R. § 745.85. For interior renovations, the regulation at 40 C.F.R. § 745.85(a)(2)(i)(D) requires firms to cover the floor surface, including installed carpet, with taped-down plastic sheeting or other impermeable material in the work area six feet beyond the perimeter of surfaces undergoing renovation or a sufficient distance to contain the dust, whichever is greater.

163. At the 3<sup>rd</sup> Street Property, Respondent failed to cover the floor surface with taped-down plastic sheeting or other impermeable material in the work area six feet beyond the perimeter of surfaces undergoing renovation or a sufficient distance to contain the dust, whichever is greater, as required by 40 C.F.R. § 745.85(a)(2)(i)(D).

164. Respondent's failure to cover the floor surface in the work area at the 3<sup>rd</sup> Street Property with taped-down plastic sheeting or other impermeable material is a violation of 40 C.F.R. § 745.85(a)(2)(i)(D) pursuant to 40 C.F.R. § 745.81(a)(4)(ii). Respondent, therefore, violated Section 409 of TSCA, 15 U.S.C. § 2689.

### **COUNT 33**

165. Each and every preceding paragraph is incorporated by reference herein.

166. Pursuant to 40 C.F.R. § 745.81(a)(4)(ii), all renovations must be performed in accordance with the work practice standards in 40 C.F.R. § 745.85. For exterior renovations, the regulation at 40 C.F.R. § 745.85(a)(2)(ii)(C) requires firms to cover the ground with plastic sheeting or other impermeable material in the work area ten feet beyond the renovation or a sufficient distance to collect falling paint debris, whichever is greater.

167. At the 3<sup>rd</sup> Street Property, Respondent failed to cover the ground with impermeable material in the work area ten feet beyond the renovation or a sufficient distance to collect falling paint debris, whichever is greater, as required by 40 C.F.R. § 745.85(a)(2)(ii)(C).

168. Respondent's failure to cover the ground at the 3<sup>rd</sup> Street Property with impermeable material in the work area ten feet beyond the renovation or a sufficient distance to collect falling paint debris, whichever is greater, is a violation of 40 C.F.R. § 745.85(a)(2)(ii)(C) pursuant to 40 C.F.R. § 745.81(a)(4)(ii). Respondent, therefore, violated Section 409 of TSCA, 15 U.S.C. § 2689.

### **COUNT 34**

169. Each and every preceding paragraph is incorporated by reference herein.

170. Pursuant to 40 C.F.R. § 745.81(a)(4)(ii), all renovations must be performed in accordance with the work practice standards in 40 C.F.R. § 745.85. The regulation at 40 C.F.R. § 745.85(a)(4)(i) requires firms 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.

171. At the 3<sup>rd</sup> Street Property, Respondent failed 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, as required by 40 C.F.R. § 745.85(a)(4)(i).

172. Respondent's 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 at the 3<sup>rd</sup> Street Property is a violation of 40 C.F.R. § 745.85(a)(4)(i) pursuant to 40 C.F.R.

§ 745.81(a)(4)(ii). Respondent, therefore, violated Section 409 of TSCA, 15 U.S.C. § 2689.

**400 SOUTH HARRISON STREET, WEST, TEXAS**

**COUNT 35**

173. Each and every preceding paragraph is incorporated by reference herein.

174. Counts 35 through 38 herein apply to the property located at 400 South Harrison Street, West, Texas, the “Harrison Street Property,” which was target housing, having been built in approximately 1930, and which was renovated by Respondent in or around October 2013.

175. Respondent performed a regulated renovation at the Harrison Street Property.

176. Pursuant to 40 C.F.R. § 745.89(d)(1), firms performing renovations for compensation must assign a certified renovator to each renovation performed by the firm in accordance with 40 C.F.R. § 745.90.

177. Respondent did not assign a certified renovator to the renovation performed on the Harrison Street Property.

178. Respondent’s failure to ensure that a certified renovator was assigned to the renovation that the firm performed on the Harrison Street Property is a violation of 40 C.F.R. § 745.89(d)(1). Respondent, therefore, violated Section 409 of TSCA, 15 U.S.C. § 2689.

**COUNT 36**

179. Each and every preceding paragraph is incorporated by reference herein.

180. Pursuant to 40 C.F.R. § 745.84(a)(1), firms performing renovation activities in any residential dwelling unit of target housing must provide the owner of the unit with the EPA pamphlet entitled *Renovate Right: Important Lead Hazard Information for Families, Child Care*

*Providers and Schools* (EPA Pamphlet) no more than 60 days before beginning the renovation.

181. Respondent did not provide the owner of the Harrison Street Property with the EPA approved lead hazard information pamphlet before beginning renovation activities on the Property.

182. Respondent's failure to provide the owner of the Harrison Street Property with the EPA approved lead hazard information pamphlet before beginning renovation activities is a violation of 40 C.F.R. § 745.84(a)(1). Respondent, therefore, violated Section 409 of TSCA, 15 U.S.C. § 2689.

### **COUNT 37**

183. Each and every preceding paragraph is incorporated by reference.

184. The regulations at 40 C.F.R. § 745.86(b)(6) require that firms performing renovations must retain documentation that renovation activities comply with the work practice standards contained in 40 C.F.R. § 745.85 for a period of 3 years pursuant to 40 C.F.R. § 745.86(a).

185. Respondent failed to retain documentation that renovation activities performed at the Harrison Street Property complied with the work practice standards contained in 40 C.F.R. § 745.85, as required by 40 C.F.R. § 745.86(b)(6).

186. Respondent's failure to retain documentation that renovation activities performed at the Harrison Street Property complied with the work practice standards contained in 40 C.F.R. § 745.85, as required by 40 C.F.R. § 745.86(b)(6), is a violation of Section 409 of TSCA, 15 U.S.C. § 2689.

### **COUNT 38**

187. Each and every preceding paragraph is incorporated by reference herein.

188. Pursuant to 40 C.F.R. § 745.81(a)(4)(ii), all renovations must be performed in accordance with the work practice standards in 40 C.F.R. § 745.85. For interior renovations, the regulation at 40 C.F.R. § 745.85(a)(2)(i)(D) requires firms to cover the floor surface, including installed carpet, with taped-down plastic sheeting or other impermeable material in the work area six feet beyond the perimeter of surfaces undergoing renovation or a sufficient distance to contain the dust, whichever is greater.

189. At the Harrison Street Property, Respondent failed to cover the floor surface with taped-down plastic sheeting or other impermeable material in the work area six feet beyond the perimeter of surfaces undergoing renovation or a sufficient distance to contain the dust, whichever is greater, as required by 40 C.F.R. § 745.85(a)(2)(i)(D).

190. Respondent's failure to cover the floor surface in the work area at the Harrison Street Property with taped-down plastic sheeting or other impermeable material is a violation of 40 C.F.R. § 745.85(a)(2)(i)(D) pursuant to 40 C.F.R. § 745.81(a)(4)(ii). Respondent, therefore, violated Section 409 of TSCA, 15 U.S.C. § 2689.

**5924 MT. ROCKWOOD CIRCLE, WACO, TEXAS**

**COUNT 39**

191. Each and every preceding paragraph is incorporated by reference herein.

192. Counts 39 through 43 herein apply to the property located at 5924 Mt. Rockwood Circle, Waco, Texas "Mt. Rockwood Circle Property", which was target housing, having been built in approximately 1963, and which was renovated by Respondent in or around November 2013.

193. Respondent performed a regulated renovation at the Mt. Rockwood Circle Property.

194. Pursuant to 40 C.F.R. § 745.89(d)(1), firms performing renovations for compensation must assign a certified renovator to each renovation performed by the firm in accordance with 40 C.F.R. § 745.90.

195. The EPA record review revealed that Respondent did not assign a certified renovator to the renovation performed on the Mt. Rockwood Circle Property.

196. Respondent's failure to ensure that a certified renovator was assigned to the renovation that the firm performed on the Mt. Rockwood Circle Property is a violation of 40 C.F.R. § 745.89(d)(1). Respondent, therefore, violated Section 409 of TSCA, 15 U.S.C. § 2689.

#### **COUNT 40**

197. Each and every preceding paragraph is incorporated by reference herein.

198. Pursuant to 40 C.F.R. § 745.84(a)(1), firms performing renovation activities in any residential dwelling unit of target housing must provide the owner of the unit with the EPA pamphlet entitled *Renovate Right: Important Lead Hazard Information for Families, Child Care Providers and Schools* no more than 60 days before beginning the renovation.

199. The EPA record review revealed that Respondent did not provide the owner of the Mt. Rockwood Circle Property with the EPA approved lead hazard information pamphlet before beginning renovation activities on the Property.

200. Respondent's failure to provide the owner of the Mt. Rockwood Circle Property with the EPA approved lead hazard information pamphlet before beginning renovation activities is a violation of 40 C.F.R. § 745.84(a)(1). Respondent, therefore, violated Section 409 of TSCA, 15 U.S.C. § 2689.

#### **COUNT 41**

201. Each and every preceding paragraph is incorporated by reference.

202. The regulations at 40 C.F.R. § 745.86(b)(6) require that firms performing renovations must retain documentation that renovation activities complied with the work practice standards contained in 40 C.F.R. § 745.85 for a period of 3 years pursuant to 40 C.F.R. § 745.86(a).

203. Respondent failed to retain documentation that renovation activities performed at the Mt. Rockwood Circle Property complied with the work practice standards contained in 40 C.F.R. § 745.85, as required by 40 C.F.R. § 745.86(b)(6).

204. Respondent's failure to retain records for the Mt. Rockwood Circle Property is a violation of 40 C.F.R. § 745.86(b)(6). Respondent, therefore, violated Section 409 of TSCA, 15 U.S.C. § 2689.

#### **COUNT 42**

205. Each and every preceding paragraph is incorporated by reference herein.

206. Pursuant to 40 C.F.R. § 745.81(a)(4)(ii), all renovations must be performed in accordance with the work practice standards in 40 C.F.R. § 745.85. The regulation at 40 C.F.R. § 745.85(a)(2)(i)(C) requires firms to close all doors and windows within the renovation work area.

207. Respondent did not close all doors and windows within the renovation work area at the Mt. Rockwood Circle Property as required by 40 C.F.R. § 745.85(a)(2)(i)(C).

208. Respondent's failure to close all doors and windows within renovation work area at the 3rd Street Property is a violation of 40 C.F.R. § 745.85(a)(2)(i)(C) pursuant to 40 C.F.R. § 745.81(a)(4)(ii). Respondent, therefore, violated Section 409 of TSCA, 15 U.S.C. § 2689.

#### **COUNT 43**

209. Each and every preceding paragraph is incorporated by reference herein.

210. Pursuant to 40 C.F.R. § 745.81(a)(4)(ii), all renovations must be performed in accordance with the work practice standards in 40 C.F.R. § 745.85. For interior renovations, the regulation at 40 C.F.R. § 745.85(a)(2)(i)(D) requires firms to cover the floor surface, including installed carpet, with taped-down plastic sheeting or other impermeable material in the work area six feet beyond the perimeter of surfaces undergoing renovation or a sufficient distance to contain the dust, whichever is greater.

211. At the Mt. Rockwood Circle Property, Respondent failed to cover the floor surface with taped-down plastic sheeting or other impermeable material in the work area six feet beyond the perimeter of surfaces undergoing renovation or a sufficient distance to contain the dust, whichever is greater, as required by 40 C.F.R. § 745.85(a)(2)(i)(D).

212. Respondent's failure to cover the floor surface in the work area at the Mt. Rockwood Circle Property with taped-down plastic sheeting or other impermeable material is a violation of 40 C.F.R. § 745.85(a)(2)(i)(D) pursuant to 40 C.F.R. § 745.81(a)(4)(ii). Respondent, therefore, violated Section 409 of TSCA, 15 U.S.C. § 2689.

**220 OAK CREEK CIRCLE, MCGREGOR, TEXAS**

**COUNT 44**

213. Each and every preceding paragraph is incorporated by reference herein.

214. Counts 44 through 50 herein apply to the property located at 220 Oak Creek Circle, McGregor, Texas, the "Oak Creek Circle Property," which was target housing, having been built in approximately 1973, and which was renovated by Respondent in or around February 2014.

215. Respondent performed a regulated renovation at the Oak Creek Circle Property.

216. Pursuant to 40 C.F.R. § 745.89(d)(1), firms performing renovations for compensation must assign a certified renovator to each renovation performed by the firm in accordance with 40 C.F.R. § 745.90.

217. Respondent failed to assign a certified renovator to the renovation at the Oak Creek Circle Property.

218. Respondent's failure to assign a certified renovator to the renovation at the Oak Creek Circle Property is a violation of 40 C.F.R. § 745.89(d)(1). Respondent, therefore, violated Section 409 of TSCA, 15 U.S.C. § 2689.

#### **COUNT 45**

219. Each and every preceding paragraph is incorporated by reference herein.

220. The regulations at 40 C.F.R. § 745.84(a)(1) require that, no more than 60 days before beginning renovation activities in any residential dwelling unit of target housing, the firm performing the renovation must provide the owner of the unit with the EPA approved lead hazard information pamphlet titled *Renovate Right: Important Lead Hazard Information for Families, Child Care Providers and Schools*.

221. Respondent failed to provide the owner of the Oak Creek Circle Property with the EPA approved lead hazard information pamphlet.

222. Respondent's failure to provide the owner of the Oak Creek Circle Property with the EPA approved lead hazard information pamphlet is a violation of 40 C.F.R. § 745.84(a)(1). Respondent, therefore, violated Section 409 of TSCA, 15 U.S.C. § 2689.

#### **COUNT 46**

223. Each and every preceding paragraph is incorporated by reference herein.

224. The regulations at 40 C.F.R. § 745.86(b)(6) require that firms performing renovations must retain documentation that renovation activities complied with the work practice standards contained in 40 C.F.R. § 745.85 for a period of 3 years pursuant to 40 C.F.R. § 745.86(a).

225. Respondent failed to retain documentation that renovation activities performed at the Oak Creek Circle Property complied with the work practice standards contained in 40 C.F.R. § 745.85, as required by 40 C.F.R. § 745.86(b)(6).

226. Respondent's failure to retain documentation that renovation activities performed at the Oak Creek Circle Property complied with the work practice standards contained in 40 C.F.R. § 745.85, as required by 40 C.F.R. § 745.86(b)(6), is a violation of Section 409 of TSCA, 15 U.S.C. § 2689.

#### **COUNT 47**

227. Each and every preceding paragraph is incorporated by reference herein.

228. Pursuant to 40 C.F.R. § 745.81(a)(4)(ii), all renovations must be performed in accordance with the work practice standards in 40 C.F.R. § 745.85. The regulation at 40 C.F.R. § 745.85(a)(2)(i)(B) requires firms to close and cover all ducts opening in the work area with taped-down plastic sheeting or other impermeable material.

229. During the renovation at the Oak Creek Circle Property, Respondent did not close and cover all ducts opening in the work area with taped-down plastic sheeting or other impermeable material.

230. Respondent's failure to close cover all ducts opening in the work area with taped-down plastic sheeting or other impermeable material during the renovation at the Oak Creek Circle Property is a violation of 40 C.F.R. § 745.85(a)(2)(i)(B) pursuant to 40 C.F.R. § 745.81(a)(4)(ii). Respondent, therefore, violated Section 409 of TSCA, 15 U.S.C. § 2689.

**COUNT 48**

231. Each and every preceding paragraph is incorporated by reference herein.

232. Pursuant to 40 C.F.R. § 745.81(a)(4)(ii), all renovations must be performed in accordance with the work practice standards in 40 C.F.R. § 745.85. The regulation at 40 C.F.R. § 745.85(a)(2)(i)(C) requires firms to close all doors and windows within the renovation work area.

233. Respondent did not close all doors and windows within the renovation work area at the Oak Creek Circle Property as required by 40 C.F.R. § 745.85(a)(2)(i)(C).

234. Respondent's failure to close all doors and windows within renovation work area at the Oak Creek Circle Property is a violation of 40 C.F.R. § 745.85(a)(2)(i)(C) pursuant to 40 C.F.R. § 745.81(a)(4)(ii). Respondent, therefore, violated Section 409 of TSCA, 15 U.S.C. § 2689.

**COUNT 49**

235. Each and every preceding paragraph is incorporated by reference herein.

236. Pursuant to 40 C.F.R. § 745.81(a)(4)(ii), all renovations must be performed in accordance with the work practice standards in 40 C.F.R. § 745.85. For interior renovations, the regulation at 40 C.F.R. § 745.85(a)(2)(i)(D) requires firms to cover the floor surface, including installed carpet, with taped-down plastic sheeting or other impermeable material in the work area six feet beyond the perimeter of surfaces undergoing renovation or a sufficient distance to contain the dust, whichever is greater.

237. At the Oak Creek Circle Property, Respondent failed to cover the floor surface with taped-down plastic sheeting or other impermeable material in the work area six feet beyond the perimeter of surfaces undergoing renovation or a sufficient distance to contain the dust, whichever is greater, as required by 40 C.F.R. § 745.85(a)(2)(i)(D).

238. Respondent's failure to cover the floor surface in the work area at the Oak Creek Circle Property with taped-down plastic sheeting or other impermeable material is a violation of 40 C.F.R. § 745.85(a)(2)(i)(D) pursuant to 40 C.F.R. § 745.81(a)(4)(ii). Respondent, therefore, violated Section 409 of TSCA, 15 U.S.C. § 2689.

**COUNT 50**

239. Each and every preceding paragraph is incorporated by reference herein.

240. Pursuant to 40 C.F.R. § 745.81(a)(4)(ii), all renovations must be performed in accordance with the work practice standards in 40 C.F.R. § 745.85. The regulation at 40 C.F.R. § 745.85(a)(4)(i) requires firms 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.

241. At the Oak Creek Circle Property, Respondent failed 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, as required by 40 C.F.R. § 745.85(a)(4)(i).

242. Respondent's 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 at the Oak Creek Circle Property is a violation of 40 C.F.R. § 745.85(a)(4)(i) pursuant to 40 C.F.R. § 745.81(a)(4)(ii). Respondent, therefore, violated Section 409 of TSCA, 15 U.S.C. § 2689.

**1617 ROYAL OAKS DRIVE, WACO, TEXAS**

**COUNT 51**

243. Each and every preceding paragraph is incorporated by reference herein.

244. Counts 51 through 57 herein apply to the property located at 1617 Royal Oaks Drive, Waco, Texas, the "Royal Oaks Drive Property," which was target housing, having been

built in approximately 1957, and which was renovated by Respondent in or around February 2014.

245. Respondent performed a regulated renovation at the Royal Oaks Drive Property.

246. Pursuant to 40 C.F.R. § 745.89(d)(1), firms performing renovations for compensation must assign a certified renovator to each renovation performed by the firm in accordance with 40 C.F.R. § 745.90.

247. Respondent failed to assign a certified renovator to the renovation at the Royal Oaks Drive Property.

248. Respondent's failure to assign a certified renovator to the renovation at the Royal Oaks Drive Property is a violation of 40 C.F.R. § 745.89(d)(1). Respondent, therefore, violated Section 409 of TSCA, 15 U.S.C. § 2689.

#### **COUNT 52**

249. Each and every preceding paragraph is incorporated by reference herein.

250. The regulations at 40 C.F.R. § 745.84(a)(1) require that, no more than 60 days before beginning renovation activities in any residential dwelling unit of target housing, the firm performing the renovation must provide the owner of the unit with the EPA approved lead hazard information pamphlet titled *Renovate Right: Important Lead Hazard Information for Families, Child Care Providers and Schools*.

251. Respondent failed to provide the owner of the Royal Oaks Drive Property with the EPA approved lead hazard information pamphlet.

252. Respondent's failure to provide the owner of the Royal Oaks Drive Property with the EPA approved lead hazard information pamphlet is a violation of 40 C.F.R. § 745.84(a)(1). Respondent, therefore, violated Section 409 of TSCA, 15 U.S.C. § 2689.

### **COUNT 53**

253. Each and every preceding paragraph is incorporated by reference herein.

254. The regulations at 40 C.F.R. § 745.86(b)(6) require that firms performing renovations must retain documentation that renovation activities complied with the work practice standards contained in 40 C.F.R. § 745.85 for a period of 3 years pursuant to 40 C.F.R. § 745.86(a).

255. Respondent failed to retain documentation that renovation activities performed at the Royal Oaks Drive Property complied with the work practice standards contained in 40 C.F.R. § 745.85, as required by 40 C.F.R. § 745.86(b)(6).

256. Respondent's failure to retain documentation that renovation activities performed at the Royal Oaks Drive Property complied with the work practice standards contained in 40 C.F.R. § 745.85, as required by 40 C.F.R. § 745.86(b)(6), is a violation of Section 409 of TSCA, 15 U.S.C. § 2689.

### **COUNT 54**

257. Each and every preceding paragraph is incorporated by reference herein.

258. Pursuant to 40 C.F.R. § 745.81(a)(4)(ii), all renovations must be performed in accordance with the work practice standards in 40 C.F.R. § 745.85. The regulation at 40 C.F.R. § 745.85(a)(1) requires 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.

259. Respondent failed to post protective signs at the Royal Oaks Drive Property as required by 40 C.F.R. § 745.85(a)(1).

260. Respondent's failure to post signs clearly defining the work area and warning occupants and other persons not involved in renovation to remain outside of the work area at the Royal Oaks Drive Property is a violation of 40 C.F.R. § 745.85(a)(1) pursuant to 40 C.F.R. § 745.81(a)(4)(ii). Respondent, therefore, violated Section 409 of TSCA, 15 U.S.C. § 2689.

#### **COUNT 55**

261. Each and every preceding paragraph is incorporated by reference herein.

262. Pursuant to 40 C.F.R. § 745.81(a)(4)(ii), all renovations must be performed in accordance with the work practice standards in 40 C.F.R. § 745.85. The regulation at 40 C.F.R. § 745.85(a)(2)(i)(C) requires firms to close all doors and windows within the renovation work area.

263. Respondent did not close all doors and windows within the renovation work area at the Royal Oaks Drive Property as required by 40 C.F.R. § 745.85(a)(2)(i)(C).

264. Respondent's failure to close all doors and windows within renovation work area at the Royal Oaks Drive Property is a violation of 40 C.F.R. § 745.85(a)(2)(i)(C) pursuant to 40 C.F.R. § 745.81(a)(4)(ii). Respondent, therefore, violated Section 409 of TSCA, 15 U.S.C. § 2689.

#### **COUNT 56**

265. Each and every preceding paragraph is incorporated by reference herein.

266. Pursuant to 40 C.F.R. § 745.81(a)(4)(ii), all renovations must be performed in accordance with the work practice standards in 40 C.F.R. § 745.85. For interior renovations, the regulation at 40 C.F.R. § 745.85(a)(2)(i)(D) requires firms to cover the floor surface, including installed carpet, with taped-down plastic sheeting or other impermeable material in the work area six feet beyond the perimeter of surfaces undergoing renovation or a sufficient distance to contain the dust, whichever is greater.

267. At the Royal Oaks Drive Property, Respondent failed to cover the floor surface with taped-down plastic sheeting or other impermeable material in the work area six feet beyond the perimeter of surfaces undergoing renovation or a sufficient distance to contain the dust, whichever is greater, as required by 40 C.F.R. § 745.85(a)(2)(i)(D).

268. Respondent's failure to cover the floor surface in the work area at the Royal Oaks Drive Property with taped-down plastic sheeting or other impermeable material is a violation of 40 C.F.R. § 745.85(a)(2)(i)(D) pursuant to 40 C.F.R. § 745.81(a)(4)(ii). Respondent, therefore, violated Section 409 of TSCA, 15 U.S.C. § 2689.

### **COUNT 57**

269. Each and every preceding paragraph is incorporated by reference herein.

270. Pursuant to 40 C.F.R. § 745.81(a)(4)(ii), all renovations must be performed in accordance with the work practice standards in 40 C.F.R. § 745.85. The regulation at 40 C.F.R. § 745.85(a)(4)(i) requires firms 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.

271. At the Royal Oaks Drive Property, Respondent failed 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, as required by 40 C.F.R. § 745.85(a)(4)(i).

272. Respondent's 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 at the Royal Oaks Drive Property is a violation of 40 C.F.R. § 745.85(a)(4)(i) pursuant to 40 C.F.R. § 745.81(a)(4)(ii). Respondent, therefore, violated Section 409 of TSCA, 15 U.S.C. § 2689.

### **822 NORTH 15<sup>TH</sup> STREET, WACO, TEXAS**

### **COUNT 58**

273. Each and every preceding paragraph is incorporated by reference herein.

274. Counts 58 through 65 herein apply to the property located at 822 North 15<sup>th</sup> Street, Waco, Texas “North 15<sup>th</sup> Street Property”, which was target housing, having been built in approximately 1913, and which was renovated by Respondent in or around April 2014.

275. Respondent performed a regulated renovation at the North 15<sup>th</sup> Street Property.

276. Pursuant to 40 C.F.R. § 745.89(d)(1), firms performing renovations for compensation must assign a certified renovator to each renovation performed by the firm in accordance with 40 C.F.R. § 745.90.

277. Respondent failed to assign a certified renovator to the renovation at the North 15<sup>th</sup> Street Property.

278. Respondent’s failure to assign a certified renovator to the renovation at the North 15<sup>th</sup> Street Property is a violation of 40 C.F.R. § 745.89(d)(1). Respondent, therefore, violated Section 409 of TSCA, 15 U.S.C. § 2689.

#### **COUNT 59**

279. Each and every preceding paragraph is incorporated by reference herein.

280. The regulations at 40 C.F.R. § 745.84(a)(1) require that, no more than 60 days before beginning renovation activities in any residential dwelling unit of target housing, the firm performing the renovation must provide the owner of the unit with the EPA approved lead hazard information pamphlet titled *Renovate Right: Important Lead Hazard Information for Families, Child Care Providers and Schools*.

281. Respondent failed to provide the owner of the North 15<sup>th</sup> Street Property with the EPA approved lead hazard information pamphlet.

282. Respondent's failure to provide the owner of the North 15<sup>th</sup> Street Property with the EPA approved lead hazard information pamphlet is a violation of 40 C.F.R. § 745.84(a)(1). Respondent, therefore, violated Section 409 of TSCA, 15 U.S.C. § 2689.

### **COUNT 60**

283. Each and every preceding paragraph is incorporated by reference herein.

284. The regulations at 40 C.F.R. § 745.86(b)(6) require that firms performing renovations must retain documentation that renovation activities complied with the work practice standards contained in 40 C.F.R. § 745.85 for a period of 3 years pursuant to 40 C.F.R. § 745.86(a).

285. Respondent failed to retain documentation that renovation activities performed at the North 15<sup>th</sup> Street Property complied with the work practice standards contained in 40 C.F.R. § 745.85, as required by 40 C.F.R. § 745.86(b)(6).

286. Respondent's failure to retain documentation that renovation activities performed at the North 15<sup>th</sup> Street Property complied with the work practice standards contained in 40 C.F.R. § 745.85, as required by 40 C.F.R. § 745.86(b)(6), is a violation of Section 409 of TSCA, 15 U.S.C. § 2689.

### **COUNT 61**

287. Each and every preceding paragraph is incorporated by reference herein.

288. Pursuant to 40 C.F.R. § 745.81(a)(4)(ii), all renovations must be performed in accordance with the work practice standards in 40 C.F.R. § 745.85. The regulation at 40 C.F.R. § 745.85(a)(1) requires 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.

289. Respondent failed to post protective signs at the North 15<sup>th</sup> Street Property as required by 40 C.F.R. § 745.85(a)(1).

290. Respondent's failure to post signs clearly defining the work area and warning occupants and other persons not involved in renovation to remain outside of the work area at the North 15<sup>th</sup> Street Property is a violation of 40 C.F.R. § 745.85(a)(1) pursuant to 40 C.F.R. § 745.81(a)(4)(ii). Respondent, therefore, violated Section 409 of TSCA, 15 U.S.C. § 2689.

### **COUNT 62**

291. Each and every preceding paragraph is incorporated by reference herein.

292. Pursuant to 40 C.F.R. § 745.81(a)(4)(ii), all renovations must be performed in accordance with the work practice standards in 40 C.F.R. § 745.85. The regulation at 40 C.F.R. § 745.85(a)(2)(i)(B) requires firms to close and cover all ducts opening in the work area with taped-down plastic sheeting or other impermeable material.

293. During the renovation at the North 15<sup>th</sup> Street Property, Respondent did not close and cover all ducts opening in the work area with taped-down plastic sheeting or other impermeable material.

294. Respondent's failure to close cover all ducts opening in the work area with taped-down plastic sheeting or other impermeable material during the renovation at the North 15<sup>th</sup> Street Property is a violation of 40 C.F.R. § 745.85(a)(2)(i)(B) pursuant to 40 C.F.R. § 745.81(a)(4)(ii). Respondent, therefore, violated Section 409 of TSCA, 15 U.S.C. § 2689.

### **COUNT 63**

295. Each and every preceding paragraph is incorporated by reference herein.

296. Pursuant to 40 C.F.R. § 745.81(a)(4)(ii), all renovations must be performed in accordance with the work practice standards in 40 C.F.R. § 745.85. The regulation at 40 C.F.R.

§ 745.85(a)(2)(i)(C) requires firms to close all doors and windows within the renovation work area.

297. Respondent did not close all doors and windows within the renovation work area at the North 15<sup>th</sup> Street Property as required by 40 C.F.R. § 745.85(a)(2)(i)(C).

298. Respondent's failure to close all doors and windows within renovation work area at the North 15<sup>th</sup> Street Property is a violation of 40 C.F.R. § 745.85(a)(2)(i)(C) pursuant to 40 C.F.R. § 745.81(a)(4)(ii). Respondent, therefore, violated Section 409 of TSCA, 15 U.S.C. § 2689.

#### **COUNT 64**

299. Each and every preceding paragraph is incorporated by reference herein.

300. Pursuant to 40 C.F.R. § 745.81(a)(4)(ii), all renovations must be performed in accordance with the work practice standards in 40 C.F.R. § 745.85. For interior renovations, the regulation at 40 C.F.R. § 745.85(a)(2)(i)(D) requires firms to cover the floor surface, including installed carpet, with taped-down plastic sheeting or other impermeable material in the work area six feet beyond the perimeter of surfaces undergoing renovation or a sufficient distance to contain the dust, whichever is greater.

301. At the North 15<sup>th</sup> Street Property, Respondent failed to cover the floor surface with taped-down plastic sheeting or other impermeable material in the work area six feet beyond the perimeter of surfaces undergoing renovation or a sufficient distance to contain the dust, whichever is greater, as required by 40 C.F.R. § 745.85(a)(2)(i)(D).

302. Respondent's failure to cover the floor surface in the work area at the North 15<sup>th</sup> Street Property with taped-down plastic sheeting or other impermeable material is a violation of 40 C.F.R. § 745.85(a)(2)(i)(D) pursuant to 40 C.F.R. § 745.81(a)(4)(ii). Respondent, therefore, violated Section 409 of TSCA, 15 U.S.C. § 2689.

### **COUNT 65**

303. Each and every preceding paragraph is incorporated by reference herein.

304. Pursuant to 40 C.F.R. § 745.81(a)(4)(ii), all renovations must be performed in accordance with the work practice standards in 40 C.F.R. § 745.85. The regulation at 40 C.F.R. § 745.85(a)(4)(i) requires firms 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.

305. At the North 15<sup>th</sup> Street Property, Respondent failed 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, as required by 40 C.F.R. § 745.85(a)(4)(i).

306. Respondent's 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 at the North 15<sup>th</sup> Street Property is a violation of 40 C.F.R. § 745.85(a)(4)(i) pursuant to 40 C.F.R. § 745.81(a)(4)(ii). Respondent, therefore, violated Section 409 of TSCA, 15 U.S.C. § 2689.

### **1403 NORTH 5<sup>TH</sup> STREET, WACO, TEXAS**

### **COUNT 66**

307. Each and every preceding paragraph is incorporated by reference herein.

308. Counts 66 through 71 herein apply to the property located at 1403 North 5<sup>th</sup> Street, Waco, Texas, the "North 5<sup>th</sup> Street Property," which was target housing, having been built in approximately 1910, and which was renovated by Respondent in or around April 2014.

309. Respondent performed a regulated renovation at the North 5<sup>th</sup> Street Property.

310. Pursuant to 40 C.F.R. § 745.89(d)(1), firms performing renovations for compensation must assign a certified renovator to each renovation performed by the firm in accordance with 40 C.F.R. § 745.90.

311. Respondent failed to assign a certified renovator to the renovation at the North 5<sup>th</sup> Street Property.

312. Respondent's failure to assign a certified renovator to the renovation at the North 5<sup>th</sup> Street Property is a violation of 40 C.F.R. § 745.89(d)(1). Respondent, therefore, violated Section 409 of TSCA, 15 U.S.C. § 2689.

#### **COUNT 67**

313. Each and every preceding paragraph is incorporated by reference herein.

314. The regulations at 40 C.F.R. § 745.84(a)(1) require that, no more than 60 days before beginning renovation activities in any residential dwelling unit of target housing, the firm performing the renovation must provide the owner of the unit with the EPA approved lead hazard information pamphlet titled *Renovate Right: Important Lead Hazard Information for Families, Child Care Providers and Schools*.

315. Respondent failed to provide the owner of the North 5<sup>th</sup> Street Property with the EPA approved lead hazard information pamphlet.

316. Respondent's failure to provide the owner of the North 5<sup>th</sup> Street Property with the EPA approved lead hazard information pamphlet is a violation of 40 C.F.R. § 745.84(a)(1). Respondent, therefore, violated Section 409 of TSCA, 15 U.S.C. § 2689.

#### **COUNT 68**

317. Each and every preceding paragraph is incorporated by reference herein.

318. The regulations at 40 C.F.R. § 745.86(b)(6) require that firms performing renovations must retain documentation that renovation activities complied with the work practice standards contained in 40 C.F.R. § 745.85 for a period of 3 years pursuant to 40 C.F.R. § 745.86(a).

319. Respondent failed to retain documentation that renovation activities performed at the North 5<sup>th</sup> Street Property complied with the work practice standards contained in 40 C.F.R. § 745.85, as required by 40 C.F.R. § 745.86(b)(6).

320. Respondent's failure to retain documentation that renovation activities performed at the North 5<sup>th</sup> Street Property complied with the work practice standards contained in 40 C.F.R. § 745.85, as required by 40 C.F.R. § 745.86(b)(6), is a violation of Section 409 of TSCA, 15 U.S.C. § 2689.

#### **COUNT 69**

321. Each and every preceding paragraph is incorporated by reference herein.

322. Pursuant to 40 C.F.R. § 745.81(a)(4)(ii), all renovations must be performed in accordance with the work practice standards in 40 C.F.R. § 745.85. The regulation at 40 C.F.R. § 745.85(a)(2)(i)(C) requires firms to close all doors and windows within the renovation work area.

323. Respondent did not close all doors and windows within the renovation work area at the North 5<sup>th</sup> Street Property as required by 40 C.F.R. § 745.85(a)(2)(i)(C).

324. Respondent's failure to close all doors and windows within renovation work area at the North 5<sup>th</sup> Street Property is a violation of 40 C.F.R. § 745.85(a)(2)(i)(C) pursuant to 40 C.F.R. § 745.81(a)(4)(ii). Respondent, therefore, violated Section 409 of TSCA, 15 U.S.C. § 2689.

## **COUNT 70**

325. Each and every preceding paragraph is incorporated by reference herein.

326. Pursuant to 40 C.F.R. § 745.81(a)(4)(ii), all renovations must be performed in accordance with the work practice standards in 40 C.F.R. § 745.85. For interior renovations, the regulation at 40 C.F.R. § 745.85(a)(2)(i)(D) requires firms to cover the floor surface, including installed carpet, with taped-down plastic sheeting or other impermeable material in the work area six feet beyond the perimeter of surfaces undergoing renovation or a sufficient distance to contain the dust, whichever is greater.

327. At the North 5<sup>th</sup> Street Property, Respondent failed to cover the floor surface with taped-down plastic sheeting or other impermeable material in the work area six feet beyond the perimeter of surfaces undergoing renovation or a sufficient distance to contain the dust, whichever is greater, as required by 40 C.F.R. § 745.85(a)(2)(i)(D).

328. Respondent's failure to cover the floor surface in the work area at the North 5<sup>th</sup> Street Property with taped-down plastic sheeting or other impermeable material is a violation of 40 C.F.R. § 745.85(a)(2)(i)(D) pursuant to 40 C.F.R. § 745.81(a)(4)(ii). Respondent, therefore, violated Section 409 of TSCA, 15 U.S.C. § 2689.

## **COUNT 71**

329. Each and every preceding paragraph is incorporated by reference herein.

330. Pursuant to 40 C.F.R. § 745.81(a)(4)(ii), all renovations must be performed in accordance with the work practice standards in 40 C.F.R. § 745.85. The regulation at 40 C.F.R. § 745.85(a)(4)(i) requires firms 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.

331. At the North 5<sup>th</sup> Street Property, Respondent failed 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, as required by 40 C.F.R. § 745.85(a)(4)(i).

332. Respondent's 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 at the North 5<sup>th</sup> Street Property is a violation of 40 C.F.R. § 745.85(a)(4)(i) pursuant to 40 C.F.R. § 745.81(a)(4)(ii). Respondent, therefore, violated Section 409 of TSCA, 15 U.S.C. § 2689.

**1525 MCKENZIE AVENUE, WACO, TEXAS**

**COUNT 72**

333. Each and every preceding paragraph is incorporated by reference herein.

334. Counts 72 through 75 herein apply to the property located at 1525 McKenzie Avenue, Waco, Texas, the "McKenzie Avenue Property," which was target housing, having been built in approximately 1925, and which was renovated by Respondent in or around July 2014.

335. Respondent performed a regulated renovation at the McKenzie Avenue Property.

336. Pursuant to 40 C.F.R. § 745.89(d)(1), firms performing renovations for compensation must assign a certified renovator to each renovation performed by the firm in accordance with 40 C.F.R. § 745.90.

337. Respondent failed to assign a certified renovator to the renovation at the McKenzie Avenue Property.

338. Respondent's failure to assign a certified renovator to the renovation at the McKenzie Avenue Property is a violation of 40 C.F.R. § 745.89(d)(1). Respondent, therefore, violated Section 409 of TSCA, 15 U.S.C. § 2689.

**COUNT 73**

339. Each and every preceding paragraph is incorporated by reference herein.

340. The regulations at 40 C.F.R. § 745.84(a)(1) require that, no more than 60 days before beginning renovation activities in any residential dwelling unit of target housing, the firm performing the renovation must provide the owner of the unit with the EPA approved lead hazard information pamphlet titled *Renovate Right: Important Lead Hazard Information for Families, Child Care Providers and Schools*.

341. Respondent failed to provide the owner of the McKenzie Avenue Property with the EPA approved lead hazard information pamphlet.

342. Respondent's failure to provide the owner of the McKenzie Avenue Property with the EPA approved lead hazard information pamphlet is a violation of 40 C.F.R. § 745.84(a)(1). Respondent, therefore, violated Section 409 of TSCA, 15 U.S.C. § 2689.

**COUNT 74**

343. Each and every preceding paragraph is incorporated by reference herein.

344. The regulations at 40 C.F.R. § 745.86(b)(6) require that firms performing renovations must retain documentation that renovation activities complied with the work practice standards contained in 40 C.F.R. § 745.85 for a period of 3 years pursuant to 40 C.F.R. § 745.86(a).

345. Respondent failed to retain documentation that renovation activities performed at the McKenzie Avenue Property complied with the work practice standards contained in 40 C.F.R. § 745.85, as required by 40 C.F.R. § 745.86(b)(6).

346. Respondent's failure to retain documentation that renovation activities performed at the McKenzie Avenue Property complied with the work practice standards contained in 40 C.F.R. § 745.85, as required by 40 C.F.R. § 745.86(b)(6), is a violation of Section 409 of TSCA, 15 U.S.C. § 2689.

#### **COUNT 75**

347. Each and every preceding paragraph is incorporated by reference herein.

348. Pursuant to 40 C.F.R. § 745.81(a)(4)(ii), all renovations must be performed in accordance with the work practice standards in 40 C.F.R. § 745.85. For interior renovations, the regulation at 40 C.F.R. § 745.85(a)(2)(i)(D) requires firms to cover the floor surface, including installed carpet, with taped-down plastic sheeting or other impermeable material in the work area six feet beyond the perimeter of surfaces undergoing renovation or a sufficient distance to contain the dust, whichever is greater.

349. At the McKenzie Avenue Property, Respondent failed to cover the floor surface with taped-down plastic sheeting or other impermeable material in the work area six feet beyond the perimeter of surfaces undergoing renovation or a sufficient distance to contain the dust, whichever is greater, as required by 40 C.F.R. § 745.85(a)(2)(i)(D).

350. Respondent's failure to cover the floor surface in the work area at the McKenzie Avenue Property with taped-down plastic sheeting or other impermeable material is a violation of 40 C.F.R. § 745.85(a)(2)(i)(D) pursuant to 40 C.F.R. § 745.81(a)(4)(ii). Respondent, therefore, violated Section 409 of TSCA, 15 U.S.C. § 2689.

#### **3201 WINDSOR AVENUE, WACO, TEXAS**

#### **COUNT 76**

351. Each and every preceding paragraph is incorporated by reference herein.

352. Counts 76 through 81 herein apply to the property located at 3201 Windsor Avenue, Waco, Texas, the "Windsor Avenue Property," which was target housing, having been built in approximately 1941, and which was renovated by Respondent in or around August 2014.

353. Respondent performed a regulated renovation at the Windsor Avenue Property.

354. Pursuant to 40 C.F.R. § 745.89(d)(1), firms performing renovations for compensation must assign a certified renovator to each renovation performed by the firm in accordance with 40 C.F.R. § 745.90.

355. Respondent failed to assign a certified renovator to the renovation at the Windsor Avenue Property.

356. Respondent's failure to assign a certified renovator to the renovation at the Windsor Avenue Property is a violation of 40 C.F.R. § 745.89(d)(1). Respondent, therefore, violated Section 409 of TSCA, 15 U.S.C. § 2689.

#### **COUNT 77**

357. Each and every preceding paragraph is incorporated by reference herein.

358. The regulations at 40 C.F.R. § 745.84(a)(1) require that, no more than 60 days before beginning renovation activities in any residential dwelling unit of target housing, the firm performing the renovation must provide the owner of the unit with the EPA approved lead hazard information pamphlet titled *Renovate Right: Important Lead Hazard Information for Families, Child Care Providers and Schools*.

359. Respondent failed to provide the owner of the Windsor Avenue Property with the EPA approved lead hazard information pamphlet.

360. Respondent's failure to provide the owner of the Windsor Avenue Property with the EPA approved lead hazard information pamphlet is a violation of 40 C.F.R. § 745.84(a)(1). Respondent, therefore, violated Section 409 of TSCA, 15 U.S.C. § 2689.

#### **COUNT 78**

361. Each and every preceding paragraph is incorporated by reference herein.

362. The regulations at 40 C.F.R. § 745.86(b)(6) require that firms performing renovations must retain documentation that renovation activities complied with the work practice standards contained in 40 C.F.R. § 745.85 for a period of 3 years pursuant to 40 C.F.R. § 745.86(a).

363. Respondent failed to retain documentation that renovation activities performed at the Windsor Avenue Property complied with the work practice standards contained in 40 C.F.R. § 745.85, as required by 40 C.F.R. § 745.86(b)(6).

364. Respondent's failure to retain documentation that renovation activities performed at the Windsor Avenue Property complied with the work practice standards contained in 40 C.F.R. § 745.85, as required by 40 C.F.R. § 745.86(b)(6), is a violation of Section 409 of TSCA, 15 U.S.C. § 2689.

#### **COUNT 79**

365. Each and every preceding paragraph is incorporated by reference herein.

366. Pursuant to 40 C.F.R. § 745.81(a)(4)(ii), all renovations must be performed in accordance with the work practice standards in 40 C.F.R. § 745.85. The regulation at 40 C.F.R. § 745.85(a)(2)(i)(C) requires firms to close all doors and windows within the renovation work area.

367. Respondent did not close all doors and windows within the renovation work area at the Windsor Avenue Property as required by 40 C.F.R. § 745.85(a)(2)(i)(C).

368. Respondent's failure to close all doors and windows within renovation work area at the Windsor Avenue Property is a violation of 40 C.F.R. § 745.85(a)(2)(i)(C) pursuant to 40 C.F.R. § 745.81(a)(4)(ii). Respondent, therefore, violated Section 409 of TSCA, 15 U.S.C. § 2689.

### **COUNT 80**

369. Each and every preceding paragraph is incorporated by reference herein.

370. Pursuant to 40 C.F.R. § 745.81(a)(4)(ii), all renovations must be performed in accordance with the work practice standards in 40 C.F.R. § 745.85. For interior renovations, the regulation at 40 C.F.R. § 745.85(a)(2)(i)(D) requires firms to cover the floor surface, including installed carpet, with taped-down plastic sheeting or other impermeable material in the work area six feet beyond the perimeter of surfaces undergoing renovation or a sufficient distance to contain the dust, whichever is greater.

371. At the Windsor Avenue Property, Respondent failed to cover the floor surface with taped-down plastic sheeting or other impermeable material in the work area six feet beyond the perimeter of surfaces undergoing renovation or a sufficient distance to contain the dust, whichever is greater, as required by 40 C.F.R. § 745.85(a)(2)(i)(D).

372. Respondent's failure to cover the floor surface in the work area at the Windsor Avenue Property with taped-down plastic sheeting or other impermeable material is a violation of 40 C.F.R. § 745.85(a)(2)(i)(D) pursuant to 40 C.F.R. § 745.81(a)(4)(ii). Respondent, therefore, violated Section 409 of TSCA, 15 U.S.C. § 2689.

### **COUNT 81**

373. Each and every preceding paragraph is incorporated by reference herein.

374. Pursuant to 40 C.F.R. § 745.81(a)(4)(ii), all renovations must be performed in accordance with the work practice standards in 40 C.F.R. § 745.85. The regulation at 40 C.F.R. § 745.85(a)(4)(i) requires firms 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.

375. At the Windsor Avenue Property, Respondent failed 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, as required by 40 C.F.R. § 745.85(a)(4)(i).

376. Respondent's 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 at the Windsor Avenue Property is a violation of 40 C.F.R. § 745.85(a)(4)(i) pursuant to 40 C.F.R. § 745.81(a)(4)(ii). Respondent, therefore, violated Section 409 of TSCA, 15 U.S.C. § 2689.

**367 BROUGHTON DRIVE, WOODWAY, TEXAS**

**COUNT 82**

377. Each and every preceding paragraph is incorporated by reference herein.

378. Counts 82 through 88 herein apply to the property located at 367 Broughton Drive, Woodway, Texas, the "Broughton Drive Property," which was target housing, having been built in approximately 1968, and which was renovated by Respondent in or around November 2014.

379. Respondent performed a regulated renovation at the Broughton Drive Property.

380. Pursuant to 40 C.F.R. § 745.89(d)(1), firms performing renovations for compensation must assign a certified renovator to each renovation performed by the firm in accordance with 40 C.F.R. § 745.90.

381. Respondent failed to assign a certified renovator to the renovation at the Broughton Drive Property.

382. Respondent's failure to assign a certified renovator to the renovation at the Broughton Drive Property is a violation of 40 C.F.R. § 745.89(d)(1). Respondent, therefore, violated Section 409 of TSCA, 15 U.S.C. § 2689.

### **COUNT 83**

383. Each and every preceding paragraph is incorporated by reference herein.

384. The regulations at 40 C.F.R. § 745.84(a)(1) require that, no more than 60 days before beginning renovation activities in any residential dwelling unit of target housing, the firm performing the renovation must provide the owner of the unit with the EPA approved lead hazard information pamphlet titled *Renovate Right: Important Lead Hazard Information for Families, Child Care Providers and Schools*.

385. Respondent failed to provide the owner of the Broughton Drive Property with the EPA approved lead hazard information pamphlet.

386. Respondent's failure to provide the owner of the Broughton Drive Property with the EPA approved lead hazard information pamphlet is a violation of 40 C.F.R. § 745.84(a)(1). Respondent, therefore, violated Section 409 of TSCA, 15 U.S.C. § 2689.

### **COUNT 84**

387. Each and every preceding paragraph is incorporated by reference herein.

388. The regulations at 40 C.F.R. § 745.86(b)(6) require that firms performing renovations must retain documentation that renovation activities complied with the work practice

standards contained in 40 C.F.R. § 745.85 for a period of 3 years pursuant to 40 C.F.R. § 745.86(a).

389. Respondent failed to retain documentation that renovation activities performed at the Broughton Drive Property complied with the work practice standards contained in 40 C.F.R. § 745.85, as required by 40 C.F.R. § 745.86(b)(6).

390. Respondent's failure to retain documentation that renovation activities performed at the Broughton Drive Property complied with the work practice standards contained in 40 C.F.R. § 745.85, as required by 40 C.F.R. § 745.86(b)(6), is a violation of Section 409 of TSCA, 15 U.S.C. § 2689.

#### **COUNT 85**

391. Each and every preceding paragraph is incorporated by reference herein.

392. Pursuant to 40 C.F.R. § 745.81(a)(4)(ii), all renovations must be performed in accordance with the work practice standards in 40 C.F.R. § 745.85. The regulation at 40 C.F.R. § 745.85(a)(2)(i)(C) requires firms to close all doors and windows within the renovation work area.

393. Respondent did not close all doors and windows within the renovation work area at the Broughton Drive Property as required by 40 C.F.R. § 745.85(a)(2)(i)(C).

394. Respondent's failure to close all doors and windows within renovation work area at the Broughton Drive Property is a violation of 40 C.F.R. § 745.85(a)(2)(i)(C) pursuant to 40 C.F.R. § 745.81(a)(4)(ii). Respondent, therefore, violated Section 409 of TSCA, 15 U.S.C. § 2689.

#### **COUNT 86**

395. Each and every preceding paragraph is incorporated by reference herein.

396. Pursuant to 40 C.F.R. § 745.81(a)(4)(ii), all renovations must be performed in accordance with the work practice standards in 40 C.F.R. § 745.85. For interior renovations, the regulation at 40 C.F.R. § 745.85(a)(2)(i)(D) requires firms to cover the floor surface, including installed carpet, with taped-down plastic sheeting or other impermeable material in the work area six feet beyond the perimeter of surfaces undergoing renovation or a sufficient distance to contain the dust, whichever is greater.

397. At the Broughton Drive Property, Respondent failed to cover the floor surface with taped-down plastic sheeting or other impermeable material in the work area six feet beyond the perimeter of surfaces undergoing renovation or a sufficient distance to contain the dust, whichever is greater, as required by 40 C.F.R. § 745.85(a)(2)(i)(D).

398. Respondent's failure to cover the floor surface in the work area at the Broughton Drive Property with taped-down plastic sheeting or other impermeable material is a violation of 40 C.F.R. § 745.85(a)(2)(i)(D) pursuant to 40 C.F.R. § 745.81(a)(4)(ii). Respondent, therefore, violated Section 409 of TSCA, 15 U.S.C. § 2689.

### **COUNT 87**

399. Each and every preceding paragraph is incorporated by reference herein.

400. Pursuant to 40 C.F.R. § 745.81(a)(4)(ii), all renovations must be performed in accordance with the work practice standards in 40 C.F.R. § 745.85. For exterior renovations, the regulation at 40 C.F.R. § 745.85(a)(2)(ii)(C) requires firms to cover the ground with plastic sheeting or other impermeable material in the work area ten feet beyond the renovation or a sufficient distance to collect falling paint debris, whichever is greater.

401. At the Broughton Drive Property, Respondent failed to cover the ground with impermeable material in the work area ten feet beyond the renovation or a sufficient distance to collect falling paint debris, whichever is greater, as required by 40 C.F.R. § 745.85(a)(2)(ii)(C).

402. Respondent's failure to cover the ground at the Broughton Drive Property with impermeable material in the work area ten feet beyond the renovation or a sufficient distance to collect falling paint debris, whichever is greater, is a violation of 40 C.F.R. § 745.85(a)(2)(ii)(C) pursuant to 40 C.F.R. § 745.81(a)(4)(ii). Respondent, therefore, violated Section 409 of TSCA, 15 U.S.C. § 2689.

### **COUNT 88**

403. Each and every preceding paragraph is incorporated by reference herein.

404. Pursuant to 40 C.F.R. § 745.81(a)(4)(ii), all renovations must be performed in accordance with the work practice standards in 40 C.F.R. § 745.85. The regulation at 40 C.F.R. § 745.85(a)(4)(i) requires firms 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.

405. At the Broughton Drive Property, Respondent failed 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, as required by 40 C.F.R. § 745.85(a)(4)(i).

406. Respondent's 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 at the Broughton Drive Property is a violation of 40 C.F.R. § 745.85(a)(4)(i) pursuant to 40 C.F.R. § 745.81(a)(4)(ii). Respondent, therefore, violated Section 409 of TSCA, 15 U.S.C. § 2689.

### **8900 ORIOLE DRIVE, WOODWAY, TEXAS**

### **COUNT 89**

407. Each and every preceding paragraph is incorporated by reference herein.

408. Counts 89 through 94 herein apply to the property located at 8900 Oriole Drive, Woodway, Texas, the “Oriole Drive Property,” which was target housing, having been built in approximately 1963, and which was renovated by Respondent in or around August 2014.

409. Respondent performed a regulated renovation at the Oriole Drive Property.

410. Pursuant to 40 C.F.R. § 745.89(d)(1), firms performing renovations for compensation must assign a certified renovator to each renovation performed by the firm in accordance with 40 C.F.R. § 745.90.

411. Respondent failed to assign a certified renovator to the renovation at the Oriole Drive Property.

412. Respondent’s failure to assign a certified renovator to the renovation at the Oriole Drive Property is a violation of 40 C.F.R. § 745.89(d)(1). Respondent, therefore, violated Section 409 of TSCA, 15 U.S.C. § 2689.

### **COUNT 90**

413. Each and every preceding paragraph is incorporated by reference herein.

414. The regulations at 40 C.F.R. § 745.84(a)(1) require that, no more than 60 days before beginning renovation activities in any residential dwelling unit of target housing, the firm performing the renovation must provide the owner of the unit with the EPA approved lead hazard information pamphlet titled *Renovate Right: Important Lead Hazard Information for Families, Child Care Providers and Schools*.

415. Respondent failed to provide the owner of the Oriole Drive Property with the EPA approved lead hazard information pamphlet.

416. Respondent's failure to provide the owner of the Oriole Drive Property with the EPA approved lead hazard information pamphlet is a violation of 40 C.F.R. § 745.84(a)(1). Respondent, therefore, violated Section 409 of TSCA, 15 U.S.C. § 2689.

### **COUNT 91**

417. Each and every preceding paragraph is incorporated by reference herein.

418. The regulations at 40 C.F.R. § 745.86(b)(6) require that firms performing renovations must retain documentation that renovation activities complied with the work practice standards contained in 40 C.F.R. § 745.85 for a period of 3 years pursuant to 40 C.F.R. § 745.86(a).

419. Respondent failed to retain documentation that renovation activities performed at the Oriole Drive Property complied with the work practice standards contained in 40 C.F.R. § 745.85, as required by 40 C.F.R. § 745.86(b)(6).

420. Respondent's failure to retain documentation that renovation activities performed at the Oriole Drive Property complied with the work practice standards contained in 40 C.F.R. § 745.85, as required by 40 C.F.R. § 745.86(b)(6), is a violation of Section 409 of TSCA, 15 U.S.C. § 2689.

### **COUNT 92**

421. Each and every preceding paragraph is incorporated by reference herein.

422. Pursuant to 40 C.F.R. § 745.81(a)(4)(ii), all renovations must be performed in accordance with the work practice standards in 40 C.F.R. § 745.85. The regulation at 40 C.F.R. § 745.85(a)(2)(i)(C) requires firms to close all doors and windows within the renovation work area.

423. Respondent did not close all doors and windows within the renovation work area at the Oriole Drive Property as required by 40 C.F.R. § 745.85(a)(2)(i)(C).

424. Respondent's failure to close all doors and windows within renovation work area at the Oriole Drive Property is a violation of 40 C.F.R. § 745.85(a)(2)(i)(C) pursuant to 40 C.F.R. § 745.81(a)(4)(ii). Respondent, therefore, violated Section 409 of TSCA, 15 U.S.C. § 2689.

### **COUNT 93**

425. Each and every preceding paragraph is incorporated by reference herein.

426. Pursuant to 40 C.F.R. § 745.81(a)(4)(ii), all renovations must be performed in accordance with the work practice standards in 40 C.F.R. § 745.85. For interior renovations, the regulation at 40 C.F.R. § 745.85(a)(2)(i)(D) requires firms to cover the floor surface, including installed carpet, with taped-down plastic sheeting or other impermeable material in the work area six feet beyond the perimeter of surfaces undergoing renovation or a sufficient distance to contain the dust, whichever is greater.

427. At the Oriole Drive Property, Respondent failed to cover the floor surface with taped-down plastic sheeting or other impermeable material in the work area six feet beyond the perimeter of surfaces undergoing renovation or a sufficient distance to contain the dust, whichever is greater, as required by 40 C.F.R. § 745.85(a)(2)(i)(D).

428. Respondent's failure to cover the floor surface in the work area at the Oriole Drive Property with taped-down plastic sheeting or other impermeable material is a violation of 40 C.F.R. § 745.85(a)(2)(i)(D) pursuant to 40 C.F.R. § 745.81(a)(4)(ii). Respondent, therefore, violated Section 409 of TSCA, 15 U.S.C. § 2689.

### **COUNT 94**

429. Each and every preceding paragraph is incorporated by reference herein.

430. Pursuant to 40 C.F.R. § 745.81(a)(4)(ii), all renovations must be performed in accordance with the work practice standards in 40 C.F.R. § 745.85. The regulation at 40 C.F.R. § 745.85(a)(4)(i) requires firms 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.

431. At the Oriole Drive Property, Respondent failed 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, as required by 40 C.F.R. § 745.85(a)(4)(i).

432. Respondent's 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 at the Oriole Drive Property is a violation of 40 C.F.R. § 745.85(a)(4)(i) pursuant to 40 C.F.R. § 745.81(a)(4)(ii). Respondent, therefore, violated Section 409 of TSCA, 15 U.S.C. § 2689.

**2304 LANDON BRANCH ROAD, WACO, TEXAS**

**COUNT 95**

433. Each and every preceding paragraph is incorporated by reference herein.

434. Counts 95 through 100 herein apply to the property located at 2304 Landon Branch Road, Waco, Texas, the "Landon Branch Road Property," which was target housing, having been built in approximately 1971, and which was renovated by Respondent in or around September 2014.

435. Respondent performed a regulated renovation at the Landon Branch Road Property.

436. Pursuant to 40 C.F.R. § 745.89(d)(1), firms performing renovations for compensation must assign a certified renovator to each renovation performed by the firm in accordance with 40 C.F.R. § 745.90.

437. Respondent failed to assign a certified renovator to the renovation at the Landon Branch Road Property.

438. Respondent's failure to assign a certified renovator to the renovation at the Landon Branch Road Property is a violation of 40 C.F.R. § 745.89(d)(1). Respondent, therefore, violated Section 409 of TSCA, 15 U.S.C. § 2689.

#### **COUNT 96**

439. Each and every preceding paragraph is incorporated by reference herein.

440. The regulations at 40 C.F.R. § 745.84(a)(1) require that, no more than 60 days before beginning renovation activities in any residential dwelling unit of target housing, the firm performing the renovation must provide the owner of the unit with the EPA approved lead hazard information pamphlet titled *Renovate Right: Important Lead Hazard Information for Families, Child Care Providers and Schools*.

441. Respondent failed to provide the owner of the Landon Branch Road Property with the EPA approved lead hazard information pamphlet.

442. Respondent's failure to provide the owner of the Landon Branch Road Property with the EPA approved lead hazard information pamphlet is a violation of 40 C.F.R. § 745.84(a)(1). Respondent, therefore, violated Section 409 of TSCA, 15 U.S.C. § 2689.

#### **COUNT 97**

443. Each and every preceding paragraph is incorporated by reference herein.

444. The regulations at 40 C.F.R. § 745.86(b)(6) require that firms performing renovations must retain documentation that renovation activities complied with the work practice standards contained in 40 C.F.R. § 745.85 for a period of 3 years pursuant to 40 C.F.R. § 745.86(a).

445. Respondent failed to retain documentation that renovation activities performed at the Landon Branch Road Property complied with the work practice standards contained in 40 C.F.R. § 745.85, as required by 40 C.F.R. § 745.86(b)(6).

446. Respondent's failure to retain documentation that renovation activities performed at the Landon Branch Road Property complied with the work practice standards contained in 40 C.F.R. § 745.85, as required by 40 C.F.R. § 745.86(b)(6), is a violation of Section 409 of TSCA, 15 U.S.C. § 2689.

#### **COUNT 98**

447. Each and every preceding paragraph is incorporated by reference herein.

448. Pursuant to 40 C.F.R. § 745.81(a)(4)(ii), all renovations must be performed in accordance with the work practice standards in 40 C.F.R. § 745.85. The regulation at 40 C.F.R. § 745.85(a)(2)(i)(B) requires firms to close and cover all ducts opening in the work area with taped-down plastic sheeting or other impermeable material.

449. During the renovation at the Landon Branch Road Property, Respondent did not close and cover all ducts opening in the work area with taped-down plastic sheeting or other impermeable material.

450. Respondent's failure to close cover all ducts opening in the work area with taped-down plastic sheeting or other impermeable material during the renovation at the Landon Branch Road Property is a violation of 40 C.F.R. § 745.85(a)(2)(i)(B) pursuant to 40 C.F.R. § 745.81(a)(4)(ii). Respondent, therefore, violated Section 409 of TSCA, 15 U.S.C. § 2689.

### **COUNT 99**

451. Each and every preceding paragraph is incorporated by reference herein.

452. Pursuant to 40 C.F.R. § 745.81(a)(4)(ii), all renovations must be performed in accordance with the work practice standards in 40 C.F.R. § 745.85. The regulation at 40 C.F.R. § 745.85(a)(2)(i)(C) requires firms to close all doors and windows within the renovation work area.

453. Respondent did not close all doors and windows within the renovation work area at the Landon Branch Road Property as required by 40 C.F.R. § 745.85(a)(2)(i)(C).

454. Respondent's failure to close all doors and windows within renovation work area at the Landon Branch Road Property is a violation of 40 C.F.R. § 745.85(a)(2)(i)(C) pursuant to 40 C.F.R. § 745.81(a)(4)(ii). Respondent, therefore, violated Section 409 of TSCA, 15 U.S.C. § 2689.

### **COUNT 100**

455. Each and every preceding paragraph is incorporated by reference herein.

456. Pursuant to 40 C.F.R. § 745.81(a)(4)(ii), all renovations must be performed in accordance with the work practice standards in 40 C.F.R. § 745.85. For interior renovations, the regulation at 40 C.F.R. § 745.85(a)(2)(i)(D) requires firms to cover the floor surface, including installed carpet, with taped-down plastic sheeting or other impermeable material in the work area six feet beyond the perimeter of surfaces undergoing renovation or a sufficient distance to contain the dust, whichever is greater.

457. At the Landon Branch Road Property, Respondent failed to cover the floor surface with taped-down plastic sheeting or other impermeable material in the work area six feet

beyond the perimeter of surfaces undergoing renovation or a sufficient distance to contain the dust, whichever is greater, as required by 40 C.F.R. § 745.85(a)(2)(i)(D).

458. Respondent's failure to cover the floor surface in the work area at the Landon Branch Road Property with taped-down plastic sheeting or other impermeable material is a violation of 40 C.F.R. § 745.85(a)(2)(i)(D) pursuant to 40 C.F.R. § 745.81(a)(4)(ii). Respondent, therefore, violated Section 409 of TSCA, 15 U.S.C. § 2689.

### **2601 BRIARCLIFF DRIVE, WACO, TEXAS**

#### **COUNT 101**

459. Each and every preceding paragraph is incorporated by reference herein.

460. Counts 101 through 105 herein apply to the property located at 2601 Briarcliff Drive, Waco, Texas, the "Briarcliff Drive Property," which was target housing, having been built in approximately 1962, and which was renovated by Respondent in or around October 2014.

461. Respondent performed a regulated renovation at the Briarcliff Drive Property.

462. Pursuant to 40 C.F.R. § 745.89(d)(1), firms performing renovations for compensation must assign a certified renovator to each renovation performed by the firm in accordance with 40 C.F.R. § 745.90.

463. Respondent failed to assign a certified renovator to the renovation at the Briarcliff Drive Property.

464. Respondent's failure to assign a certified renovator to the renovation at the Briarcliff Drive Property is a violation of 40 C.F.R. § 745.89(d)(1). Respondent, therefore, violated Section 409 of TSCA, 15 U.S.C. § 2689.

#### **COUNT 102**

465. Each and every preceding paragraph is incorporated by reference herein.

466. The regulations at 40 C.F.R. § 745.84(a)(1) require that, no more than 60 days before beginning renovation activities in any residential dwelling unit of target housing, the firm performing the renovation must provide the owner of the unit with the EPA approved lead hazard information pamphlet titled *Renovate Right: Important Lead Hazard Information for Families, Child Care Providers and Schools*.

467. Respondent failed to provide the owner of the Briarcliff Drive Property with the EPA approved lead hazard information pamphlet.

468. Respondent's failure to provide the owner of the Briarcliff Drive Property with the EPA approved lead hazard information pamphlet is a violation of 40 C.F.R. § 745.84(a)(1). Respondent, therefore, violated Section 409 of TSCA, 15 U.S.C. § 2689.

### **COUNT 103**

469. Each and every preceding paragraph is incorporated by reference herein.

470. The regulations at 40 C.F.R. § 745.86(b)(6) require that firms performing renovations must retain documentation that renovation activities complied with the work practice standards contained in 40 C.F.R. § 745.85 for a period of 3 years pursuant to 40 C.F.R. § 745.86(a).

471. Respondent failed to retain documentation that renovation activities performed at the Briarcliff Drive Property complied with the work practice standards contained in 40 C.F.R. § 745.85, as required by 40 C.F.R. § 745.86(b)(6).

472. Respondent's failure to retain documentation that renovation activities performed at the Briarcliff Drive Property complied with the work practice standards contained in 40 C.F.R.

§ 745.85, as required by 40 C.F.R. § 745.86(b)(6), is a violation of Section 409 of TSCA, 15 U.S.C. § 2689.

#### **COUNT 104**

473. Each and every preceding paragraph is incorporated by reference herein.

474. Pursuant to 40 C.F.R. § 745.81(a)(4)(ii), all renovations must be performed in accordance with the work practice standards in 40 C.F.R. § 745.85. The regulation at 40 C.F.R. § 745.85(a)(2)(i)(B) requires firms to close and cover all ducts opening in the work area with taped-down plastic sheeting or other impermeable material.

475. During the renovation at the Briarcliff Drive Property, Respondent did not close and cover all ducts opening in the work area with taped-down plastic sheeting or other impermeable material.

476. Respondent's failure to close cover all ducts opening in the work area with taped-down plastic sheeting or other impermeable material during the renovation at the Briarcliff Drive Property is a violation of 40 C.F.R. § 745.85(a)(2)(i)(B) pursuant to 40 C.F.R. § 745.81(a)(4)(ii). Respondent, therefore, violated Section 409 of TSCA, 15 U.S.C. § 2689.

#### **COUNT 105**

477. Each and every preceding paragraph is incorporated by reference herein.

478. Pursuant to 40 C.F.R. § 745.81(a)(4)(ii), all renovations must be performed in accordance with the work practice standards in 40 C.F.R. § 745.85. For interior renovations, the regulation at 40 C.F.R. § 745.85(a)(2)(i)(D) requires firms to cover the floor surface, including installed carpet, with taped-down plastic sheeting or other impermeable material in the work area six feet beyond the perimeter of surfaces undergoing renovation or a sufficient distance to contain the dust, whichever is greater.

479. At the Briarcliff Drive Property, Respondent failed to cover the floor surface with taped-down plastic sheeting or other impermeable material in the work area six feet beyond the perimeter of surfaces undergoing renovation or a sufficient distance to contain the dust, whichever is greater, as required by 40 C.F.R. § 745.85(a)(2)(i)(D).

480. Respondent's failure to cover the floor surface in the work area at the Briarcliff Drive Property with taped-down plastic sheeting or other impermeable material is a violation of 40 C.F.R. § 745.85(a)(2)(i)(D) pursuant to 40 C.F.R. § 745.81(a)(4)(ii). Respondent, therefore, violated Section 409 of TSCA, 15 U.S.C. § 2689.

**2517 WOODED ACRES DRIVE, WACO, TEXAS**

**COUNT 106**

481. Each and every preceding paragraph is incorporated by reference herein.

482. Counts 106 through 109 herein apply to the property located at 2517 Wooded Acres Drive, Waco, Texas, the "Wooded Acres Drive Property," which was target housing, having been built in approximately 1959, and which was renovated by Respondent in or around November 2014.

483. Respondent performed a regulated renovation at the Wooded Acres Drive Property.

484. Pursuant to 40 C.F.R. § 745.89(d)(1), firms performing renovations for compensation must assign a certified renovator to each renovation performed by the firm in accordance with 40 C.F.R. § 745.90.

485. Respondent failed to assign a certified renovator to the renovation at the Wooded Acres Drive Property.

486. Respondent's failure to assign a certified renovator to the renovation at the Wooded Acres Drive Property is a violation of 40 C.F.R. § 745.89(d)(1). Respondent, therefore, violated Section 409 of TSCA, 15 U.S.C. § 2689.

**COUNT 107**

487. Each and every preceding paragraph is incorporated by reference herein.

488. The regulations at 40 C.F.R. § 745.84(a)(1) require that, no more than 60 days before beginning renovation activities in any residential dwelling unit of target housing, the firm performing the renovation must provide the owner of the unit with the EPA approved lead hazard information pamphlet titled *Renovate Right: Important Lead Hazard Information for Families, Child Care Providers and Schools*.

489. Respondent failed to provide the owner of the Wooded Acres Drive Property with the EPA approved lead hazard information pamphlet.

490. Respondent's failure to provide the owner of the Wooded Acres Drive Property with the EPA approved lead hazard information pamphlet is a violation of 40 C.F.R. § 745.84(a)(1). Respondent, therefore, violated Section 409 of TSCA, 15 U.S.C. § 2689.

**COUNT 108**

491. Each and every preceding paragraph is incorporated by reference herein.

492. The regulations at 40 C.F.R. § 745.86(b)(6) require that firms performing renovations must retain documentation that renovation activities complied with the work practice standards contained in 40 C.F.R. § 745.85 for a period of 3 years pursuant to 40 C.F.R. § 745.86(a).

493. Respondent failed to retain documentation that renovation activities performed at the Wooded Acres Drive Property complied with the work practice standards contained in 40 C.F.R. § 745.85, as required by 40 C.F.R. § 745.86(b)(6).

494. Respondent's failure to retain documentation that renovation activities performed at the Wooded Acres Drive Property complied with the work practice standards contained in 40 C.F.R. § 745.85, as required by 40 C.F.R. § 745.86(b)(6), is a violation of Section 409 of TSCA, 15 U.S.C. § 2689.

### **COUNT 109**

495. Each and every preceding paragraph is incorporated by reference herein.

496. Pursuant to 40 C.F.R. § 745.81(a)(4)(ii), all renovations must be performed in accordance with the work practice standards in 40 C.F.R. § 745.85. For interior renovations, the regulation at 40 C.F.R. § 745.85(a)(2)(i)(D) requires firms to cover the floor surface, including installed carpet, with taped-down plastic sheeting or other impermeable material in the work area six feet beyond the perimeter of surfaces undergoing renovation or a sufficient distance to contain the dust, whichever is greater.

497. At the Wooded Acres Drive Property, Respondent failed to cover the floor surface with taped-down plastic sheeting or other impermeable material in the work area six feet beyond the perimeter of surfaces undergoing renovation or a sufficient distance to contain the dust, whichever is greater, as required by 40 C.F.R. § 745.85(a)(2)(i)(D).

498. Respondent's failure to cover the floor surface in the work area at the Wooded Acres Drive Property with taped-down plastic sheeting or other impermeable material is a violation of 40 C.F.R. § 745.85(a)(2)(i)(D) pursuant to 40 C.F.R. § 745.81(a)(4)(ii). Respondent, therefore, violated Section 409 of TSCA, 15 U.S.C. § 2689.

**1706 NORTH MAGNOLIA AVENUE, HUBBARD, TEXAS**

### **COUNT 110**

499. Each and every preceding paragraph is incorporated by reference herein.

500. Counts 110 through 113 herein apply to the property located at 1706 North Magnolia Avenue, Hubbard, Texas, the “North Magnolia Avenue Property,” which was target housing, having been built in approximately 1954, and which was renovated by Respondent in or about February 2015 .

501. Respondent performed a regulated renovation at the North Magnolia Avenue Property.

502. Pursuant to 40 C.F.R. § 745.89(d)(1), firms performing renovations for compensation must assign a certified renovator to each renovation performed by the firm in accordance with 40 C.F.R. § 745.90.

503. Respondent failed to assign a certified renovator to the renovation at the North Magnolia Avenue Property.

504. Respondent’s failure to assign a certified renovator to the renovation at the North Magnolia Avenue Property is a violation of 40 C.F.R. § 745.89(d)(1). Respondent, therefore, violated Section 409 of TSCA, 15 U.S.C. § 2689.

### **COUNT 111**

505. Each and every preceding paragraph is incorporated by reference herein.

506. The regulations at 40 C.F.R. § 745.84(a)(1) require that, no more than 60 days before beginning renovation activities in any residential dwelling unit of target housing, the firm performing the renovation must provide the owner of the unit with the EPA approved lead hazard information pamphlet titled *Renovate Right: Important Lead Hazard Information for Families, Child Care Providers and Schools*.

507. Respondent failed to provide the owner of the North Magnolia Avenue Property with the EPA approved lead hazard information pamphlet.

508. Respondent's failure to provide the owner of the North Magnolia Avenue Property with the EPA approved lead hazard information pamphlet is a violation of 40 C.F.R. § 745.84(a)(1). Respondent, therefore, violated Section 409 of TSCA, 15 U.S.C. § 2689.

### **COUNT 112**

509. Each and every preceding paragraph is incorporated by reference herein.

510. The regulations at 40 C.F.R. § 745.86(b)(6) require that firms performing renovations must retain documentation that renovation activities complied with the work practice standards contained in 40 C.F.R. § 745.85 for a period of 3 years pursuant to 40 C.F.R. § 745.86(a).

511. Respondent failed to retain documentation that renovation activities performed at the North Magnolia Avenue Property complied with the work practice standards contained in 40 C.F.R. § 745.85, as required by 40 C.F.R. § 745.86(b)(6).

512. Respondent's failure to retain documentation that renovation activities performed at the North Magnolia Avenue Property complied with the work practice standards contained in 40 C.F.R. § 745.85, as required by 40 C.F.R. § 745.86(b)(6), is a violation of Section 409 of TSCA, 15 U.S.C. § 2689.

### **COUNT 113**

513. Each and every preceding paragraph is incorporated by reference herein.

514. Pursuant to 40 C.F.R. § 745.81(a)(4)(ii), all renovations must be performed in accordance with the work practice standards in 40 C.F.R. § 745.85. For interior renovations, the

regulation at 40 C.F.R. § 745.85(a)(2)(i)(D) requires firms to cover the floor surface, including installed carpet, with taped-down plastic sheeting or other impermeable material in the work area six feet beyond the perimeter of surfaces undergoing renovation or a sufficient distance to contain the dust, whichever is greater.

515. At the North Magnolia Avenue Property, Respondent failed to cover the floor surface with taped-down plastic sheeting or other impermeable material in the work area six feet beyond the perimeter of surfaces undergoing renovation or a sufficient distance to contain the dust, whichever is greater, as required by 40 C.F.R. § 745.85(a)(2)(i)(D).

516. Respondent's failure to cover the floor surface in the work area at the North Magnolia Avenue Property with taped-down plastic sheeting or other impermeable material is a violation of 40 C.F.R. § 745.85(a)(2)(i)(D) pursuant to 40 C.F.R. § 745.81(a)(4)(ii). Respondent, therefore, violated Section 409 of TSCA, 15 U.S.C. § 2689.

### **2419 ARROYO ROAD, WACO, TEXAS**

#### **COUNT 114**

517. Each and every preceding paragraph is incorporated by reference herein.

518. Counts 114 through 120 herein apply to the property located at 2419 Arroyo Road, Waco, Texas, the "Arroyo Road Property," which was target housing, having been built in approximately 1963, and which was renovated by Respondent in in or around January 2015.

519. Respondent performed a regulated renovation at the Arroyo Road Property.

520. Pursuant to 40 C.F.R. § 745.89(d)(1), firms performing renovations for compensation must assign a certified renovator to each renovation performed by the firm in accordance with 40 C.F.R. § 745.90.

521. Respondent failed to assign a certified renovator to the renovation at the Arroyo Road Property.

522. Respondent's failure to assign a certified renovator to the renovation at the Arroyo Road Property is a violation of 40 C.F.R. § 745.89(d)(1). Respondent, therefore, violated Section 409 of TSCA, 15 U.S.C. § 2689.

**COUNT 115**

523. Each and every preceding paragraph is incorporated by reference herein.

524. The regulations at 40 C.F.R. § 745.84(a)(1) require that, no more than 60 days before beginning renovation activities in any residential dwelling unit of target housing, the firm performing the renovation must provide the owner of the unit with the EPA approved lead hazard information pamphlet titled *Renovate Right: Important Lead Hazard Information for Families, Child Care Providers and Schools*.

525. Respondent failed to provide the owner of the Arroyo Road Property with the EPA approved lead hazard information pamphlet.

526. Respondent's failure to provide the owner of the Arroyo Road Property with the EPA approved lead hazard information pamphlet is a violation of 40 C.F.R. § 745.84(a)(1). Respondent, therefore, violated Section 409 of TSCA, 15 U.S.C. § 2689.

**COUNT 116**

527. Each and every preceding paragraph is incorporated by reference herein.

528. The regulations at 40 C.F.R. § 745.86(b)(6) require that firms performing renovations must retain documentation that renovation activities complied with the work practice standards contained in 40 C.F.R. § 745.85 for a period of 3 years pursuant to 40 C.F.R. § 745.86(a).

529. Respondent failed to retain documentation that renovation activities performed at the Arroyo Road Property complied with the work practice standards contained in 40 C.F.R. § 745.85, as required by 40 C.F.R. § 745.86(b)(6).

530. Respondent's failure to retain documentation that renovation activities performed at the Arroyo Road Property complied with the work practice standards contained in 40 C.F.R. § 745.85, as required by 40 C.F.R. § 745.86(b)(6), is a violation of Section 409 of TSCA, 15 U.S.C. § 2689.

#### **COUNT 117**

531. Each and every preceding paragraph is incorporated by reference herein.

532. Pursuant to 40 C.F.R. § 745.81(a)(4)(ii), all renovations must be performed in accordance with the work practice standards in 40 C.F.R. § 745.85. The regulation at 40 C.F.R. § 745.85(a)(2)(i)(B) requires firms to close and cover all ducts opening in the work area with taped-down plastic sheeting or other impermeable material.

533. During the renovation at the Arroyo Road Property, Respondent did not close and cover all ducts opening in the work area with taped-down plastic sheeting or other impermeable material.

534. Respondent's failure to close cover all ducts opening in the work area with taped-down plastic sheeting or other impermeable material during the renovation at the Arroyo Road Property is a violation of 40 C.F.R. § 745.85(a)(2)(i)(B) pursuant to 40 C.F.R. § 745.81(a)(4)(ii). Respondent, therefore, violated Section 409 of TSCA, 15 U.S.C. § 2689.

#### **COUNT 118**

535. Each and every preceding paragraph is incorporated by reference herein.

536. Pursuant to 40 C.F.R. § 745.81(a)(4)(ii), all renovations must be performed in accordance with the work practice standards in 40 C.F.R. § 745.85. For interior renovations, the regulation at 40 C.F.R. § 745.85(a)(2)(i)(D) requires firms to cover the floor surface, including installed carpet, with taped-down plastic sheeting or other impermeable material in the work area six feet beyond the perimeter of surfaces undergoing renovation or a sufficient distance to contain the dust, whichever is greater.

537. At the Arroyo Road Property, Respondent failed to cover the floor surface with taped-down plastic sheeting or other impermeable material in the work area six feet beyond the perimeter of surfaces undergoing renovation or a sufficient distance to contain the dust, whichever is greater, as required by 40 C.F.R. § 745.85(a)(2)(i)(D).

538. Respondent's failure to cover the floor surface in the work area at the Arroyo Road Property with taped-down plastic sheeting or other impermeable material is a violation of 40 C.F.R. § 745.85(a)(2)(i)(D) pursuant to 40 C.F.R. § 745.81(a)(4)(ii). Respondent, therefore, violated Section 409 of TSCA, 15 U.S.C. § 2689.

#### **COUNT 119**

539. Each and every preceding paragraph is incorporated by reference herein.

540. Pursuant to 40 C.F.R. § 745.81(a)(4)(ii), all renovations must be performed in accordance with the work practice standards in 40 C.F.R. § 745.85. For exterior renovations, the regulation at 40 C.F.R. § 745.85(a)(2)(ii)(C) requires firms to cover the ground with plastic sheeting or other impermeable material in the work area ten feet beyond the renovation or a sufficient distance to collect falling paint debris, whichever is greater.

541. At the Arroyo Road Property, Respondent failed to cover the ground with impermeable material in the work area ten feet beyond the renovation or a sufficient distance to collect falling paint debris, whichever is greater, as required by 40 C.F.R. § 745.85(a)(2)(ii)(C).

542. Respondent's failure to cover the ground at the Arroyo Road Property with impermeable material in the work area ten feet beyond the renovation or a sufficient distance to collect falling paint debris, whichever is greater, is a violation of 40 C.F.R. § 745.85(a)(2)(ii)(C) pursuant to 40 C.F.R. § 745.81(a)(4)(ii). Respondent, therefore, violated Section 409 of TSCA, 15 U.S.C. § 2689.

#### **COUNT 120**

543. Each and every preceding paragraph is incorporated by reference herein.

544. Pursuant to 40 C.F.R. § 745.81(a)(4)(ii), all renovations must be performed in accordance with the work practice standards in 40 C.F.R. § 745.85. The regulation at 40 C.F.R. § 745.85(a)(4)(i) requires firms 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.

545. At the Arroyo Road Property, Respondent failed 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, as required by 40 C.F.R. § 745.85(a)(4)(i).

546. Respondent's 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 at the Arroyo Road Property is a violation of 40 C.F.R. § 745.85(a)(4)(i) pursuant to 40 C.F.R. § 745.81(a)(4)(ii). Respondent, therefore, violated Section 409 of TSCA, 15 U.S.C. § 2689.

#### **1649 CHERRY CREEK DRIVE, WOODWAY, TEXAS**

#### **COUNT 121**

547. Each and every preceding paragraph is incorporated by reference herein.

548. Counts 121 through 126 herein apply to the property located at 1649 Cherry Creek Drive, Woodway, Texas, the "Cherry Creek Drive Property," which was target housing,

having been built in approximately 1976, and which was renovated by Respondent in or around February 2015.

549. Respondent performed a regulated renovation at the Cherry Creek Drive Property.

550. Pursuant to 40 C.F.R. § 745.89(d)(1), firms performing renovations for compensation must assign a certified renovator to each renovation performed by the firm in accordance with 40 C.F.R. § 745.90.

551. Respondent failed to assign a certified renovator to the renovation at the Cherry Creek Drive Property.

552. Respondent's failure to assign a certified renovator to the renovation at the Cherry Creek Drive Property is a violation of 40 C.F.R. § 745.89(d)(1). Respondent, therefore, violated Section 409 of TSCA, 15 U.S.C. § 2689.

#### **COUNT 122**

553. Each and every preceding paragraph is incorporated by reference herein.

554. The regulations at 40 C.F.R. § 745.84(a)(1) require that, no more than 60 days before beginning renovation activities in any residential dwelling unit of target housing, the firm performing the renovation must provide the owner of the unit with the EPA approved lead hazard information pamphlet titled *Renovate Right: Important Lead Hazard Information for Families, Child Care Providers and Schools*.

555. Respondent failed to provide the owner of the Cherry Creek Drive Property with the EPA approved lead hazard information pamphlet.

556. Respondent's failure to provide the owner of the Cherry Creek Drive Property with the EPA approved lead hazard information pamphlet is a violation of 40 C.F.R. § 745.84(a)(1). Respondent, therefore, violated Section 409 of TSCA, 15 U.S.C. § 2689.

### **COUNT 123**

557. Each and every preceding paragraph is incorporated by reference herein.

558. The regulations at 40 C.F.R. § 745.86(b)(6) require that firms performing renovations must retain documentation that renovation activities complied with the work practice standards contained in 40 C.F.R. § 745.85 for a period of 3 years pursuant to 40 C.F.R. § 745.86(a).

559. Respondent failed to retain documentation that renovation activities performed at the Cherry Creek Drive Property complied with the work practice standards contained in 40 C.F.R. § 745.85, as required by 40 C.F.R. § 745.86(b)(6).

560. Respondent's failure to retain documentation that renovation activities performed at the Cherry Creek Drive Property complied with the work practice standards contained in 40 C.F.R. § 745.85, as required by 40 C.F.R. § 745.86(b)(6), is a violation of Section 409 of TSCA, 15 U.S.C. § 2689.

### **COUNT 124**

561. Each and every preceding paragraph is incorporated by reference herein.

562. Pursuant to 40 C.F.R. § 745.81(a)(4)(ii), all renovations must be performed in accordance with the work practice standards in 40 C.F.R. § 745.85. For interior renovations, the regulation at 40 C.F.R. § 745.85(a)(2)(i)(D) requires firms to cover the floor surface, including installed carpet, with taped-down plastic sheeting or other impermeable material in the work area six feet beyond the perimeter of surfaces undergoing renovation or a sufficient distance to contain the dust, whichever is greater.

563. At the Cherry Creek Drive Property, Respondent failed to cover the floor surface with taped-down plastic sheeting or other impermeable material in the work area six feet beyond

the perimeter of surfaces undergoing renovation or a sufficient distance to contain the dust, whichever is greater, as required by 40 C.F.R. § 745.85(a)(2)(i)(D).

564. Respondent's failure to cover the floor surface in the work area at the Cherry Creek Drive Property with taped-down plastic sheeting or other impermeable material is a violation of 40 C.F.R. § 745.85(a)(2)(i)(D) pursuant to 40 C.F.R. § 745.81(a)(4)(ii). Respondent, therefore, violated Section 409 of TSCA, 15 U.S.C. § 2689.

#### **COUNT 125**

565. Each and every preceding paragraph is incorporated by reference herein.

566. Pursuant to 40 C.F.R. § 745.81(a)(4)(ii), all renovations must be performed in accordance with the work practice standards in 40 C.F.R. § 745.85. For exterior renovations, the regulation at 40 C.F.R. § 745.85(a)(2)(ii)(C) requires firms to cover the ground with plastic sheeting or other impermeable material in the work area ten feet beyond the renovation or a sufficient distance to collect falling paint debris, whichever is greater.

567. At the Cherry Creek Drive Property, Respondent failed to cover the ground with impermeable material in the work area ten feet beyond the renovation or a sufficient distance to collect falling paint debris, whichever is greater, as required by 40 C.F.R. § 745.85(a)(2)(ii)(C).

568. Respondent's failure to cover the ground at the Cherry Creek Drive Property with impermeable material in the work area ten feet beyond the renovation or a sufficient distance to collect falling paint debris, whichever is greater, is a violation of 40 C.F.R. § 745.85(a)(2)(ii)(C) pursuant to 40 C.F.R. § 745.81(a)(4)(ii). Respondent, therefore, violated Section 409 of TSCA, 15 U.S.C. § 2689.

#### **COUNT 126**

569. Each and every preceding paragraph is incorporated by reference herein.

570. Pursuant to 40 C.F.R. § 745.81(a)(4)(ii), all renovations must be performed in accordance with the work practice standards in 40 C.F.R. § 745.85. The regulation at 40 C.F.R. § 745.85(a)(4)(i) requires firms 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.

571. At the Cherry Creek Drive Property, Respondent failed 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, as required by 40 C.F.R. § 745.85(a)(4)(i).

572. Respondent's 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 at the Cherry Creek Drive Property is a violation of 40 C.F.R. § 745.85(a)(4)(i) pursuant to 40 C.F.R. § 745.81(a)(4)(ii). Respondent, therefore, violated Section 409 of TSCA, 15 U.S.C. § 2689.

**937 EAST FRANKLIN STREET, HILLSBORO, TEXAS**

**COUNT 127**

573. Each and every preceding paragraph is incorporated by reference herein.

574. Counts 127 through 134 herein apply to the property located at 937 East Franklin Street, Hillsboro, Texas, the "Franklin Street Property," which was target housing, having been built in approximately 1920, and which was renovated by Respondent in or around April 2015.

575. Respondent performed a regulated renovation at the Franklin Street Property.

576. Pursuant to 40 C.F.R. § 745.89(d)(1), firms performing renovations for compensation must assign a certified renovator to each renovation performed by the firm in accordance with 40 C.F.R. § 745.90.

577. Respondent failed to assign a certified renovator to the renovation at the Franklin Street Property.

578. Respondent's failure to assign a certified renovator to the renovation at the Franklin Street Property is a violation of 40 C.F.R. § 745.89(d)(1). Respondent, therefore, violated Section 409 of TSCA, 15 U.S.C. § 2689.

**COUNT 128**

579. Each and every preceding paragraph is incorporated by reference herein.

580. The regulations at 40 C.F.R. § 745.84(a)(1) require that, no more than 60 days before beginning renovation activities in any residential dwelling unit of target housing, the firm performing the renovation must provide the owner of the unit with the EPA approved lead hazard information pamphlet titled *Renovate Right: Important Lead Hazard Information for Families, Child Care Providers and Schools*.

581. Respondent failed to provide the owner of the Franklin Street Property with the EPA approved lead hazard information pamphlet.

582. Respondent's failure to provide the owner of the Franklin Street Property with the EPA approved lead hazard information pamphlet is a violation of 40 C.F.R. § 745.84(a)(1). Respondent, therefore, violated Section 409 of TSCA, 15 U.S.C. § 2689.

**COUNT 129**

583. Each and every preceding paragraph is incorporated by reference herein.

584. The regulations at 40 C.F.R. § 745.86(b)(6) require that firms performing renovations must retain documentation that renovation activities complied with the work practice standards contained in 40 C.F.R. § 745.85 for a period of 3 years pursuant to 40 C.F.R. § 745.86(a).

585. Respondent failed to retain documentation that renovation activities performed at the Franklin Street Property complied with the work practice standards contained in 40 C.F.R. § 745.85, as required by 40 C.F.R. § 745.86(b)(6).

586. Respondent's failure to retain documentation that renovation activities performed at the Franklin Street Property complied with the work practice standards contained in 40 C.F.R. § 745.85, as required by 40 C.F.R. § 745.86(b)(6), is a violation of Section 409 of TSCA, 15 U.S.C. § 2689.

### **COUNT 130**

587. Each and every preceding paragraph is incorporated by reference herein.

588. Pursuant to 40 C.F.R. § 745.81(a)(4)(ii), all renovations must be performed in accordance with the work practice standards in 40 C.F.R. § 745.85. The regulation at 40 C.F.R. § 745.85(a)(2)(i)(C) requires firms to close all doors and windows within the renovation work area.

589. Respondent did not close all doors and windows within the renovation work area at the Franklin Street Property as required by 40 C.F.R. § 745.85(a)(2)(i)(C).

590. Respondent's failure to close all doors and windows within renovation work area at the Franklin Street Property is a violation of 40 C.F.R. § 745.85(a)(2)(i)(C) pursuant to 40 C.F.R. § 745.81(a)(4)(ii). Respondent, therefore, violated Section 409 of TSCA, 15 U.S.C. § 2689.

### **COUNT 131**

591. Each and every preceding paragraph is incorporated by reference herein.

592. Pursuant to 40 C.F.R. § 745.81(a)(4)(ii), all renovations must be performed in accordance with the work practice standards in 40 C.F.R. § 745.85. For interior renovations, the regulation at 40 C.F.R. § 745.85(a)(2)(i)(D) requires firms to cover the floor surface, including installed carpet, with taped-down plastic sheeting or other impermeable material in the work area six feet beyond the perimeter of surfaces undergoing renovation or a sufficient distance to contain the dust, whichever is greater.

593. At the Franklin Street Property, Respondent failed to cover the floor surface with taped-down plastic sheeting or other impermeable material in the work area six feet beyond the perimeter of surfaces undergoing renovation or a sufficient distance to contain the dust, whichever is greater, as required by 40 C.F.R. § 745.85(a)(2)(i)(D).

594. Respondent's failure to cover the floor surface in the work area at the Franklin Street Property with taped-down plastic sheeting or other impermeable material is a violation of 40 C.F.R. § 745.85(a)(2)(i)(D) pursuant to 40 C.F.R. § 745.81(a)(4)(ii). Respondent, therefore, violated Section 409 of TSCA, 15 U.S.C. § 2689.

### **COUNT 132**

595. Each and every preceding paragraph is incorporated by reference herein.

596. Pursuant to 40 C.F.R. § 745.81(a)(4)(ii), all renovations must be performed in accordance with the work practice standards in 40 C.F.R. § 745.85. For exterior renovations, the regulation at 40 C.F.R. § 745.85(a)(2)(ii)(C) requires firms to cover the ground with plastic sheeting or other impermeable material in the work area ten feet beyond the renovation or a sufficient distance to collect falling paint debris, whichever is greater.

597. At the Franklin Street Property, Respondent failed to cover the ground with impermeable material in the work area ten feet beyond the renovation or a sufficient distance to collect falling paint debris, whichever is greater, as required by 40 C.F.R. § 745.85(a)(2)(ii)(C).

598. Respondent's failure to cover the ground at the Franklin Street Property with impermeable material in the work area 10 feet beyond the renovation or a sufficient distance to collect falling paint debris, whichever is greater, is a violation of 40 C.F.R. § 745.85(a)(2)(ii)(C) pursuant to 40 C.F.R. § 745.81(a)(4)(ii). Respondent, therefore, violated Section 409 of TSCA, 15 U.S.C. § 2689.

### **COUNT 133**

599. Each and every preceding paragraph is incorporated by reference herein.

600. Pursuant to 40 C.F.R. § 745.81(a)(4)(ii), all renovations must be performed in accordance with the work practice standards in 40 C.F.R. § 745.85. The regulation at 40 C.F.R. § 745.85(a)(3)(ii) prohibits firms from using machines designed to remove paint or other surface coatings through high speed operation such as sanding on painted surfaces unless such machines have shrouds or containment systems and are equipped with a HEPA vacuum attachment to collect dust and debris at the point of generation.

601. At the Franklin Street Property, Respondent did use a machine designed to remove paint or other surface coatings through a high speed operation such as sanding on painted surfaces without said machine having a shroud or containment system and which was not equipped with a HEPA vacuum attachment to collect dust and debris at the point of generation, as required by 40 C.F.R. § 745.85(a)(3)(ii).

602. Respondent's use of a machine designed to remove paint or other surface coatings through a high speed operation such as sanding on painted surfaces or other coated surfaces at the Franklin Street Property without said machine having a shroud or containment system and which was not equipped with a HEPA vacuum attachment to collect dust and debris at the point of generation is a violation of 40 C.F.R. § 745.85(a)(3)(ii) pursuant to 40 C.F.R. § 745.81(a)(4)(ii). Respondent, therefore, violated Section 409 of TSCA, 15 U.S.C. § 2689.

### **COUNT 134**

603. Each and every preceding paragraph is incorporated by reference herein.

604. Pursuant to 40 C.F.R. § 745.81(a)(4)(ii), all renovations must be performed in accordance with the work practice standards in 40 C.F.R. § 745.85. The regulation at 40 C.F.R. § 745.85(a)(4)(i) requires firms 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.

605. At the Franklin Street Property, Respondent failed 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, as required by 40 C.F.R. § 745.85(a)(4)(i).

606. Respondent's 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 at the Franklin Street Property is a violation of 40 C.F.R. § 745.85(a)(4)(i) pursuant to 40 C.F.R. § 745.81(a)(4)(ii). Respondent, therefore, violated Section 409 of TSCA, 15 U.S.C. § 2689.

**2619 FORT AVENUE, WACO, TEXAS**

**COUNT 135**

607. Each and every preceding paragraph is incorporated by reference herein.

608. Counts 135 through 140 herein apply to the property located at 2619 Fort Avenue, Waco, Texas, the "Fort Avenue Property," which was target housing, having been built in approximately 1927, and which was renovated by Respondent in or around April 2015.

609. Respondent performed a regulated renovation at the Fort Avenue Property.

610. Pursuant to 40 C.F.R. § 745.89(d)(1), firms performing renovations for compensation must assign a certified renovator to each renovation performed by the firm in accordance with 40 C.F.R. § 745.90.

611. Respondent failed to assign a certified renovator to the renovation at the Fort Avenue Property.

612. Respondent's failure to assign a certified renovator to the renovation at the Fort Avenue Property is a violation of 40 C.F.R. § 745.89(d)(1). Respondent, therefore, violated Section 409 of TSCA, 15 U.S.C. § 2689.

### **COUNT 136**

613. Each and every preceding paragraph is incorporated by reference herein.

614. The regulations at 40 C.F.R. § 745.84(a)(1) require that, no more than 60 days before beginning renovation activities in any residential dwelling unit of target housing, the firm performing the renovation must provide the owner of the unit with the EPA approved lead hazard information pamphlet titled *Renovate Right: Important Lead Hazard Information for Families, Child Care Providers and Schools*.

615. Respondent failed to provide the owner of the Fort Avenue Property with the EPA approved lead hazard information pamphlet.

616. Respondent's failure to provide the owner of the Fort Avenue Property with the EPA approved lead hazard information pamphlet is a violation of 40 C.F.R. § 745.84(a)(1). Respondent, therefore, violated Section 409 of TSCA, 15 U.S.C. § 2689.

### **COUNT 137**

617. Each and every preceding paragraph is incorporated by reference herein.

618. The regulations at 40 C.F.R. § 745.86(b)(6) require that firms performing renovations must retain documentation that renovation activities complied with the work practice

standards contained in 40 C.F.R. § 745.85 for a period of 3 years pursuant to 40 C.F.R. § 745.86(a).

619. Respondent failed to retain documentation that renovation activities performed at the Fort Avenue Property complied with the work practice standards contained in 40 C.F.R. § 745.85, as required by 40 C.F.R. § 745.86(b)(6).

620. Respondent's failure to retain documentation that renovation activities performed at the Fort Avenue Property complied with the work practice standards contained in 40 C.F.R. § 745.85, as required by 40 C.F.R. § 745.86(b)(6), is a violation of Section 409 of TSCA, 15 U.S.C. § 2689.

#### **COUNT 138**

621. Each and every preceding paragraph is incorporated by reference herein.

622. Pursuant to 40 C.F.R. § 745.81(a)(4)(ii), all renovations must be performed in accordance with the work practice standards in 40 C.F.R. § 745.85. The regulation at 40 C.F.R. § 745.85(a)(2)(i)(C) requires firms to close all doors and windows within the renovation work area.

623. Respondent did not close all doors and windows within the renovation work area at the Fort Avenue Property as required by 40 C.F.R. § 745.85(a)(2)(i)(C).

624. Respondent's failure to close all doors and windows within renovation work area at the Fort Avenue Property is a violation of 40 C.F.R. § 745.85(a)(2)(i)(C) pursuant to 40 C.F.R. § 745.81(a)(4)(ii). Respondent, therefore, violated Section 409 of TSCA, 15 U.S.C. § 2689.

#### **COUNT 139**

625. Each and every preceding paragraph is incorporated by reference herein.

626. Pursuant to 40 C.F.R. § 745.81(a)(4)(ii), all renovations must be performed in accordance with the work practice standards in 40 C.F.R. § 745.85. For interior renovations, the regulation at 40 C.F.R. § 745.85(a)(2)(i)(D) requires firms to cover the floor surface, including installed carpet, with taped-down plastic sheeting or other impermeable material in the work area six feet beyond the perimeter of surfaces undergoing renovation or a sufficient distance to contain the dust, whichever is greater.

627. At the Fort Avenue Property, Respondent failed to cover the floor surface with taped-down plastic sheeting or other impermeable material in the work area six feet beyond the perimeter of surfaces undergoing renovation or a sufficient distance to contain the dust, whichever is greater, as required by 40 C.F.R. § 745.85(a)(2)(i)(D).

628. Respondent's failure to cover the floor surface in the work area at the Fort Avenue Property with taped-down plastic sheeting or other impermeable material is a violation of 40 C.F.R. § 745.85(a)(2)(i)(D) pursuant to 40 C.F.R. § 745.81(a)(4)(ii). Respondent, therefore, violated Section 409 of TSCA, 15 U.S.C. § 2689.

#### **COUNT 140**

629. Each and every preceding paragraph is incorporated by reference herein.

630. Pursuant to 40 C.F.R. § 745.81(a)(4)(ii), all renovations must be performed in accordance with the work practice standards in 40 C.F.R. § 745.85. For exterior renovations, the regulation at 40 C.F.R. § 745.85(a)(2)(ii)(C) requires firms to cover the ground with plastic sheeting or other impermeable material in the work area ten feet beyond the renovation or a sufficient distance to collect falling paint debris, whichever is greater.

631. At the Fort Avenue Property, Respondent failed to cover the ground with impermeable material in the work area ten feet beyond the renovation or a sufficient distance to collect falling paint debris, whichever is greater, as required by 40 C.F.R. § 745.85(a)(2)(ii)(C).

632. Respondent's failure to cover the ground at the Fort Avenue Property with impermeable material in the work area ten feet beyond the renovation or a sufficient distance to collect falling paint debris, whichever is greater, is a violation of 40 C.F.R. § 745.85(a)(2)(ii)(C) pursuant to 40 C.F.R. § 745.81(a)(4)(ii). Respondent, therefore, violated Section 409 of TSCA, 15 U.S.C. § 2689.

**270 CREEK BEND ROAD, MCGREGOR, TEXAS**

**COUNT 141**

633. Each and every preceding paragraph is incorporated by reference herein.

634. Counts 141 through 145 herein apply to the property located at 270 Creek Bend Road, McGregor, Texas, the "Creek Bend Road Property," which was target housing, having been built in approximately 1975, and which was renovated by Respondent in or around May 2015.

635. Respondent performed a regulated renovation at the Creek Bend Road Property.

636. Pursuant to 40 C.F.R. § 745.89(d)(1), firms performing renovations for compensation must assign a certified renovator to each renovation performed by the firm in accordance with 40 C.F.R. § 745.90.

637. Respondent failed to assign a certified renovator to the renovation at the Creek Bend Road Property.

638. Respondent's failure to assign a certified renovator to the renovation at the Creek Bend Road Property is a violation of 40 C.F.R. § 745.89(d)(1). Respondent, therefore, violated Section 409 of TSCA, 15 U.S.C. § 2689.

**COUNT 142**

639. Each and every preceding paragraph is incorporated by reference herein.

640. The regulations at 40 C.F.R. § 745.84(a)(1) require that, no more than 60 days before beginning renovation activities in any residential dwelling unit of target housing, the firm performing the renovation must provide the owner of the unit with the EPA approved lead hazard information pamphlet titled *Renovate Right: Important Lead Hazard Information for Families, Child Care Providers and Schools*.

641. Respondent failed to provide the owner of the Creek Bend Road Property with the EPA approved lead hazard information pamphlet.

642. Respondent's failure to provide the owner of the Creek Bend Road Property with the EPA approved lead hazard information pamphlet is a violation of 40 C.F.R. § 745.84(a)(1). Respondent, therefore, violated Section 409 of TSCA, 15 U.S.C. § 2689.

#### **COUNT 143**

643. Each and every preceding paragraph is incorporated by reference herein.

644. The regulations at 40 C.F.R. § 745.86(b)(6) require that firms performing renovations must retain documentation that renovation activities complied with the work practice standards contained in 40 C.F.R. § 745.85 for a period of 3 years pursuant to 40 C.F.R. § 745.86(a).

645. Respondent failed to retain documentation that renovation activities performed at the Creek Bend Road Property complied with the work practice standards contained in 40 C.F.R. § 745.85, as required by 40 C.F.R. § 745.86(b)(6).

646. Respondent's failure to retain documentation that renovation activities performed at the Creek Bend Road Property complied with the work practice standards contained in 40 C.F.R. § 745.85, as required by 40 C.F.R. § 745.86(b)(6), is a violation of Section 409 of TSCA, 15 U.S.C. § 2689.

#### **COUNT 144**

647. Each and every preceding paragraph is incorporated by reference herein.

648. Pursuant to 40 C.F.R. § 745.81(a)(4)(ii), all renovations must be performed in accordance with the work practice standards in 40 C.F.R. § 745.85. The regulation at 40 C.F.R. § 745.85(a)(2)(i)(C) requires firms to close all doors and windows within the renovation work area.

649. Respondent did not close all doors and windows within the renovation work area at the Creek Bend Road Property as required by 40 C.F.R. § 745.85(a)(2)(i)(C).

650. Respondent's failure to close all doors and windows within renovation work area at the Creek Bend Road Property is a violation of 40 C.F.R. § 745.85(a)(2)(i)(C) pursuant to 40 C.F.R. § 745.81(a)(4)(ii). Respondent, therefore, violated Section 409 of TSCA, 15 U.S.C. § 2689.

#### **COUNT 145**

651. Each and every preceding paragraph is incorporated by reference herein.

652. Pursuant to 40 C.F.R. § 745.81(a)(4)(ii), all renovations must be performed in accordance with the work practice standards in 40 C.F.R. § 745.85. For interior renovations, the regulation at 40 C.F.R. § 745.85(a)(2)(i)(D) requires firms to cover the floor surface, including installed carpet, with taped-down plastic sheeting or other impermeable material in the work area six feet beyond the perimeter of surfaces undergoing renovation or a sufficient distance to contain the dust, whichever is greater.

653. At the Creek Bend Road Property, Respondent failed to cover the floor surface with taped-down plastic sheeting or other impermeable material in the work area six feet beyond

the perimeter of surfaces undergoing renovation or a sufficient distance to contain the dust, whichever is greater, as required by 40 C.F.R. § 745.85(a)(2)(i)(D).

654. Respondent's failure to cover the floor surface in the work area at the Creek Bend Road Property with taped-down plastic sheeting or other impermeable material is a violation of 40 C.F.R. § 745.85(a)(2)(i)(D) pursuant to 40 C.F.R. § 745.81(a)(4)(ii). Respondent, therefore, violated Section 409 of TSCA, 15 U.S.C. § 2689.

### **485 FM 2117, MARLIN, TEXAS**

#### **COUNT 146**

655. Each and every preceding paragraph is incorporated by reference herein.

656. Counts 146 through 150 herein apply to the property located at 485 FM 2117, Marlin, Texas, the "FM 2117 Property," which was target housing, having been built before 1978, and which was renovated by Respondent in or around June 2015.

657. Respondent performed a regulated renovation at the FM 2117 Property.

658. Pursuant to 40 C.F.R. § 745.89(d)(1), firms performing renovations for compensation must assign a certified renovator to each renovation performed by the firm in accordance with 40 C.F.R. § 745.90.

659. Respondent failed to assign a certified renovator to the renovation at the FM 2117 Property.

660. Respondent's failure to assign a certified renovator to the renovation at the FM 2117 Property is a violation of 40 C.F.R. § 745.89(d)(1). Respondent, therefore, violated Section 409 of TSCA, 15 U.S.C. § 2689.

#### **COUNT 147**

661. Each and every preceding paragraph is incorporated by reference herein.

662. The regulations at 40 C.F.R. § 745.84(a)(1) require that, no more than 60 days before beginning renovation activities in any residential dwelling unit of target housing, the firm performing the renovation must provide the owner of the unit with the EPA approved lead hazard information pamphlet titled *Renovate Right: Important Lead Hazard Information for Families, Child Care Providers and Schools*.

663. Respondent failed to provide the owner of the FM 2117 Property with the EPA approved lead hazard information pamphlet.

664. Respondent's failure to provide the owner of the FM 2117 Property with the EPA approved lead hazard information pamphlet is a violation of 40 C.F.R. § 745.84(a)(1). Respondent, therefore, violated Section 409 of TSCA, 15 U.S.C. § 2689.

#### **COUNT 148**

665. Each and every preceding paragraph is incorporated by reference herein.

666. The regulations at 40 C.F.R. § 745.86(b)(6) require that firms performing renovations must retain documentation that renovation activities complied with the work practice standards contained in 40 C.F.R. § 745.85 for a period of 3 years pursuant to 40 C.F.R. § 745.86(a).

667. Respondent failed to retain documentation that renovation activities performed at the FM 2117 Property complied with the work practice standards contained in 40 C.F.R. § 745.85, as required by 40 C.F.R. § 745.86(b)(6).

668. Respondent's failure to retain documentation that renovation activities performed at the FM 2117 Property complied with the work practice standards contained in 40 C.F.R.

§ 745.85, as required by 40 C.F.R. § 745.86(b)(6), is a violation of Section 409 of TSCA, 15 U.S.C. § 2689.

**COUNT 149**

669. Each and every preceding paragraph is incorporated by reference herein.

670. Pursuant to 40 C.F.R. § 745.81(a)(4)(ii), all renovations must be performed in accordance with the work practice standards in 40 C.F.R. § 745.85. For interior renovations, the regulation at 40 C.F.R. § 745.85(a)(2)(i)(D) requires firms to cover the floor surface, including installed carpet, with taped-down plastic sheeting or other impermeable material in the work area six feet beyond the perimeter of surfaces undergoing renovation or a sufficient distance to contain the dust, whichever is greater.

671. At the FM 2117 Property, Respondent failed to cover the floor surface with taped-down plastic sheeting or other impermeable material in the work area six feet beyond the perimeter of surfaces undergoing renovation or a sufficient distance to contain the dust, whichever is greater, as required by 40 C.F.R. § 745.85(a)(2)(i)(D).

672. Respondent's failure to cover the floor surface in the work area at the FM 2117 Property with taped-down plastic sheeting or other impermeable material is a violation of 40 C.F.R. § 745.85(a)(2)(i)(D) pursuant to 40 C.F.R. § 745.81(a)(4)(ii). Respondent, therefore, violated Section 409 of TSCA, 15 U.S.C. § 2689.

**COUNT 150**

673. Each and every preceding paragraph is incorporated by reference herein.

674. Pursuant to 40 C.F.R. § 745.81(a)(4)(ii), all renovations must be performed in accordance with the work practice standards in 40 C.F.R. § 745.85. For exterior renovations, the regulation at 40 C.F.R. § 745.85(a)(2)(ii)(C) requires firms to cover the ground with plastic

sheeting or other impermeable material in the work area ten feet beyond the renovation or a sufficient distance to collect falling paint debris, whichever is greater.

675. At the FM 2117 Property, Respondent failed to cover the ground with impermeable material in the work area ten feet beyond the renovation or a sufficient distance to collect falling paint debris, whichever is greater, as required by 40 C.F.R. § 745.85(a)(2)(ii)(C).

676. Respondent's failure to cover the ground at the FM 2117 Property with impermeable material in the work area ten feet beyond the renovation or a sufficient distance to collect falling paint debris, whichever is greater, is a violation of 40 C.F.R. § 745.85(a)(2)(ii)(C) pursuant to 40 C.F.R. § 745.81(a)(4)(ii). Respondent, therefore, violated Section 409 of TSCA, 15 U.S.C. § 2689.

**5517 LAKE HIGHLANDS DRIVE, WACO, TEXAS**

**COUNT 151**

677. Each and every preceding paragraph is incorporated by reference herein.

678. Counts 151 through 155 herein apply to the property located at 5517 Lake Highlands Drive, Waco, Texas, the "Lake Highlands Drive Property," which was target housing, having been built in approximately 1970, and which was renovated by Respondent in or around April 2015.

679. Respondent performed a regulated renovation at the Lake Highlands Drive Property.

680. Pursuant to 40 C.F.R. § 745.89(d)(1), firms performing renovations for compensation must assign a certified renovator to each renovation performed by the firm in accordance with 40 C.F.R. § 745.90.

681. Respondent failed to assign a certified renovator to the renovation at the Lake Highlands Drive Property.

682. Respondent's failure to assign a certified renovator to the renovation at the Lake Highlands Drive Property is a violation of 40 C.F.R. § 745.89(d)(1). Respondent, therefore, violated Section 409 of TSCA, 15 U.S.C. § 2689.

**COUNT 152**

683. Each and every preceding paragraph is incorporated by reference herein.

684. The regulations at 40 C.F.R. § 745.84(a)(1) require that, no more than 60 days before beginning renovation activities in any residential dwelling unit of target housing, the firm performing the renovation must provide the owner of the unit with the EPA approved lead hazard information pamphlet titled *Renovate Right: Important Lead Hazard Information for Families, Child Care Providers and Schools*.

685. Respondent failed to provide the owner of the Lake Highlands Drive Property with the EPA approved lead hazard information pamphlet.

686. Respondent's failure to provide the owner of the Lake Highlands Drive Property with the EPA approved lead hazard information pamphlet is a violation of 40 C.F.R. § 745.84(a)(1). Respondent, therefore, violated Section 409 of TSCA, 15 U.S.C. § 2689.

**COUNT 153**

687. Each and every preceding paragraph is incorporated by reference herein.

688. The regulations at 40 C.F.R. § 745.86(b)(6) require that firms performing renovations must retain documentation that renovation activities complied with the work practice standards contained in 40 C.F.R. § 745.85 for a period of 3 years pursuant to 40 C.F.R. § 745.86(a).

689. Respondent failed to retain documentation that renovation activities performed at the Lake Highlands Drive Property complied with the work practice standards contained in 40 C.F.R. § 745.85, as required by 40 C.F.R. § 745.86(b)(6).

690. Respondent's failure to retain documentation that renovation activities performed at the Lake Highlands Drive Property complied with the work practice standards contained in 40 C.F.R. § 745.85, as required by 40 C.F.R. § 745.86(b)(6), is a violation of Section 409 of TSCA, 15 U.S.C. § 2689.

#### **COUNT 154**

691. Each and every preceding paragraph is incorporated by reference herein.

692. Pursuant to 40 C.F.R. § 745.81(a)(4)(ii), all renovations must be performed in accordance with the work practice standards in 40 C.F.R. § 745.85. For interior renovations, the regulation at 40 C.F.R. § 745.85(a)(2)(i)(D) requires firms to cover the floor surface, including installed carpet, with taped-down plastic sheeting or other impermeable material in the work area six feet beyond the perimeter of surfaces undergoing renovation or a sufficient distance to contain the dust, whichever is greater.

693. At the Lake Highlands Drive Property, Respondent failed to cover the floor surface with taped-down plastic sheeting or other impermeable material in the work area six feet beyond the perimeter of surfaces undergoing renovation or a sufficient distance to contain the dust, whichever is greater, as required by 40 C.F.R. § 745.85(a)(2)(i)(D).

694. Respondent's failure to cover the floor surface in the work area at the Lake Highlands Drive Property with taped-down plastic sheeting or other impermeable material is a violation of 40 C.F.R. § 745.85(a)(2)(i)(D) pursuant to 40 C.F.R. § 745.81(a)(4)(ii). Respondent, therefore, violated Section 409 of TSCA, 15 U.S.C. § 2689.

### **COUNT 155**

695. Each and every preceding paragraph is incorporated by reference herein.

696. Pursuant to 40 C.F.R. § 745.81(a)(4)(ii), all renovations must be performed in accordance with the work practice standards in 40 C.F.R. § 745.85. The regulation at 40 C.F.R. § 745.85(a)(4)(i) requires firms 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.

697. At the Lake Highlands Drive Property, Respondent failed 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, as required by 40 C.F.R. § 745.85(a)(4)(i).

698. Respondent's 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 at the Lake Highlands Drive Property is a violation of 40 C.F.R. § 745.85(a)(4)(i) pursuant to 40 C.F.R. § 745.81(a)(4)(ii). Respondent, therefore, violated Section 409 of TSCA, 15 U.S.C. § 2689.

### **5718 SHADYWOOD DRIVE WACO, TEXAS**

#### **COUNT 156**

699. Each and every preceding paragraph is incorporated by reference herein.

700. Counts 156 through 160 herein apply to the property located at 5718 Shadywood Drive, Waco, Texas, the "Shadywood Drive Property," which was target housing, having been built in approximately 1968, and which was renovated by Respondent in or around June 2015.

701. Respondent performed a regulated renovation at the Shadywood Drive Property.

702. Pursuant to 40 C.F.R. § 745.89(d)(1), firms performing renovations for compensation must assign a certified renovator to each renovation performed by the firm in accordance with 40 C.F.R. § 745.90.

703. Respondent failed to assign a certified renovator to the renovation at the Shadywood Drive Property.

704. Respondent's failure to assign a certified renovator to the renovation at the Shadywood Drive Property is a violation of 40 C.F.R. § 745.89(d)(1). Respondent, therefore, violated Section 409 of TSCA, 15 U.S.C. § 2689.

#### **COUNT 157**

705. Each and every preceding paragraph is incorporated by reference herein.

706. The regulations at 40 C.F.R. § 745.84(a)(1) require that, no more than 60 days before beginning renovation activities in any residential dwelling unit of target housing, the firm performing the renovation must provide the owner of the unit with the EPA approved lead hazard information pamphlet titled *Renovate Right: Important Lead Hazard Information for Families, Child Care Providers and Schools*.

707. Respondent failed to provide the owner of the Shadywood Drive Property with the EPA approved lead hazard information pamphlet.

708. Respondent's failure to provide the owner of the Shadywood Drive Property with the EPA approved lead hazard information pamphlet is a violation of 40 C.F.R. § 745.84(a)(1). Respondent, therefore, violated Section 409 of TSCA, 15 U.S.C. § 2689.

#### **COUNT 158**

709. Each and every preceding paragraph is incorporated by reference herein.

710. The regulations at 40 C.F.R. § 745.86(b)(6) require that firms performing renovations must retain documentation that renovation activities complied with the work practice standards contained in 40 C.F.R. § 745.85 for a period of 3 years pursuant to 40 C.F.R. § 745.86(a).

711. Respondent failed to retain documentation that renovation activities performed at the Shadywood Drive Property complied with the work practice standards contained in 40 C.F.R. § 745.85, as required by 40 C.F.R. § 745.86(b)(6).

712. Respondent's failure to retain documentation that renovation activities performed at the Shadywood Drive Property complied with the work practice standards contained in 40 C.F.R. § 745.85, as required by 40 C.F.R. § 745.86(b)(6), is a violation of Section 409 of TSCA, 15 U.S.C. § 2689.

#### **COUNT 159**

713. Each and every preceding paragraph is incorporated by reference herein.

714. Pursuant to 40 C.F.R. § 745.81(a)(4)(ii), all renovations must be performed in accordance with the work practice standards in 40 C.F.R. § 745.85. The regulation at 40 C.F.R. § 745.85(a)(2)(i)(C) requires firms to close all doors and windows within the renovation work area.

715. Respondent did not close all doors and windows within the renovation work area at the Shadywood Drive Property as required by 40 C.F.R. § 745.85(a)(2)(i)(C).

716. Respondent's failure to close all doors and windows within renovation work area at the Shadywood Drive Property is a violation of 40 C.F.R. § 745.85(a)(2)(i)(C) pursuant to 40 C.F.R. § 745.81(a)(4)(ii). Respondent, therefore, violated Section 409 of TSCA, 15 U.S.C. § 2689.

## **COUNT 160**

717. Each and every preceding paragraph is incorporated by reference herein.

718. Pursuant to 40 C.F.R. § 745.81(a)(4)(ii), all renovations must be performed in accordance with the work practice standards in 40 C.F.R. § 745.85. For interior renovations, the regulation at 40 C.F.R. § 745.85(a)(2)(i)(D) requires firms to cover the floor surface, including installed carpet, with taped-down plastic sheeting or other impermeable material in the work area six feet beyond the perimeter of surfaces undergoing renovation or a sufficient distance to contain the dust, whichever is greater.

719. At the Shadywood Drive Property, Respondent failed to cover the floor surface with taped-down plastic sheeting or other impermeable material in the work area six feet beyond the perimeter of surfaces undergoing renovation or a sufficient distance to contain the dust, whichever is greater, as required by 40 C.F.R. § 745.85(a)(2)(i)(D).

720. Respondent's failure to cover the floor surface in the work area at the Shadywood Drive Property with taped-down plastic sheeting or other impermeable material is a violation of 40 C.F.R. § 745.85(a)(2)(i)(D) pursuant to 40 C.F.R. § 745.81(a)(4)(ii). Respondent, therefore, violated Section 409 of TSCA, 15 U.S.C. § 2689.

## **2800 GORMAN AVENUE, WACO, TEXAS**

### **COUNT 161**

721. Each and every preceding paragraph is incorporated by reference herein.

722. Counts 161 through 166 herein apply to the property located at 2800 Gorman Avenue, Waco, Texas, the "2800 Gorman Avenue Property," which was target housing, having been built in approximately 1919, and which was renovated by Respondent in or around June 2015.

723. Respondent performed a regulated renovation at the 2800 Gorman Avenue Property.

724. Pursuant to 40 C.F.R. § 745.89(d)(1), firms performing renovations for compensation must assign a certified renovator to each renovation performed by the firm in accordance with 40 C.F.R. § 745.90.

725. Respondent failed to assign a certified renovator to the renovation at the 2800 Gorman Avenue Property.

726. Respondent's failure to assign a certified renovator to the renovation at the 2800 Gorman Avenue Property is a violation of 40 C.F.R. § 745.89(d)(1). Respondent, therefore, violated Section 409 of TSCA, 15 U.S.C. § 2689.

**COUNT 162**

727. Each and every preceding paragraph is incorporated by reference herein.

728. The regulations at 40 C.F.R. § 745.84(a)(1) require that, no more than 60 days before beginning renovation activities in any residential dwelling unit of target housing, the firm performing the renovation must provide the owner of the unit with the EPA approved lead hazard information pamphlet titled *Renovate Right: Important Lead Hazard Information for Families, Child Care Providers and Schools*.

729. Respondent failed to provide the owner of the 2800 Gorman Avenue Property with the EPA approved lead hazard information pamphlet.

730. Respondent's failure to provide the owner of the 2800 Gorman Avenue Property with the EPA approved lead hazard information pamphlet is a violation of 40 C.F.R. § 745.84(a)(1). Respondent, therefore, violated Section 409 of TSCA, 15 U.S.C. § 2689.

**COUNT 163**

731. Each and every preceding paragraph is incorporated by reference herein.

732. The regulations at 40 C.F.R. § 745.86(b)(6) require that firms performing renovations must retain documentation that renovation activities complied with the work practice standards contained in 40 C.F.R. § 745.85 for a period of 3 years pursuant to 40 C.F.R. § 745.86(a).

733. Respondent failed to retain documentation that renovation activities performed at the 2800 Gorman Avenue Property complied with the work practice standards contained in 40 C.F.R. § 745.85, as required by 40 C.F.R. § 745.86(b)(6).

734. Respondent's failure to retain documentation that renovation activities performed at the 2800 Gorman Avenue Property complied with the work practice standards contained in 40 C.F.R. § 745.85, as required by 40 C.F.R. § 745.86(b)(6), is a violation of Section 409 of TSCA, 15 U.S.C. § 2689.

#### **COUNT 164**

735. Each and every preceding paragraph is incorporated by reference herein.

736. Pursuant to 40 C.F.R. § 745.81(a)(4)(ii), all renovations must be performed in accordance with the work practice standards in 40 C.F.R. § 745.85. The regulation at 40 C.F.R. § 745.85(a)(2)(i)(C) requires firms to close all doors and windows within the renovation work area.

737. Respondent did not close all doors and windows within the renovation work area at the 2800 Gorman Avenue Property as required by 40 C.F.R. § 745.85(a)(2)(i)(C).

738. Respondent's failure to close all doors and windows within renovation work area at the 2800 Gorman Avenue Property is a violation of 40 C.F.R. § 745.85(a)(2)(i)(C) pursuant to

40 C.F.R. § 745.81(a)(4)(ii). Respondent, therefore, violated Section 409 of TSCA, 15 U.S.C. § 2689.

#### **COUNT 165**

739. Each and every preceding paragraph is incorporated by reference herein.

740. Pursuant to 40 C.F.R. § 745.81(a)(4)(ii), all renovations must be performed in accordance with the work practice standards in 40 C.F.R. § 745.85. For interior renovations, the regulation at 40 C.F.R. § 745.85(a)(2)(i)(D) requires firms to cover the floor surface, including installed carpet, with taped-down plastic sheeting or other impermeable material in the work area six feet beyond the perimeter of surfaces undergoing renovation or a sufficient distance to contain the dust, whichever is greater.

741. At the 2800 Gorman Avenue Property, Respondent failed to cover the floor surface with taped-down plastic sheeting or other impermeable material in the work area six feet beyond the perimeter of surfaces undergoing renovation or a sufficient distance to contain the dust, whichever is greater, as required by 40 C.F.R. § 745.85(a)(2)(i)(D).

742. Respondent's failure to cover the floor surface in the work area at the 2800 Gorman Avenue Property with taped-down plastic sheeting or other impermeable material is a violation of 40 C.F.R. § 745.85(a)(2)(i)(D) pursuant to 40 C.F.R. § 745.81(a)(4)(ii). Respondent, therefore, violated Section 409 of TSCA, 15 U.S.C. § 2689.

#### **COUNT 166**

743. Each and every preceding paragraph is incorporated by reference herein.

744. Pursuant to 40 C.F.R. § 745.81(a)(4)(ii), all renovations must be performed in accordance with the work practice standards in 40 C.F.R. § 745.85. The regulation at 40 C.F.R. § 745.85(a)(4)(i) requires firms 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.

745. At the 2800 Gorman Avenue Property, Respondent failed 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, as required by 40 C.F.R. § 745.85(a)(4)(i).

746. Respondent's 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 at the 2800 Gorman Avenue Property is a violation of 40 C.F.R. § 745.85(a)(4)(i) pursuant to 40 C.F.R. § 745.81(a)(4)(ii). Respondent, therefore, violated Section 409 of TSCA, 15 U.S.C. § 2689.

**826 PANTHER WAY, WACO, TEXAS**

**COUNT 167**

747. Each and every preceding paragraph is incorporated by reference herein.

748. Counts 167 through 170 herein apply to the property located at 826 Panther Way, Waco, Texas, the "Panther Way Property," which was target housing, having been built in approximately 1971, and which was renovated by Respondent in or around June 2015.

749. Respondent performed a regulated renovation at the Panther Way Property.

750. Pursuant to 40 C.F.R. § 745.89(d)(1), firms performing renovations for compensation must assign a certified renovator to each renovation performed by the firm in accordance with 40 C.F.R. § 745.90.

751. Respondent failed to assign a certified renovator to the renovation at the Panther Way Property.

752. Respondent's failure to assign a certified renovator to the renovation at the Panther Way Property is a violation of 40 C.F.R. § 745.89(d)(1). Respondent, therefore, violated Section 409 of TSCA, 15 U.S.C. § 2689.

**COUNT 168**

753. Each and every preceding paragraph is incorporated by reference herein.

754. The regulations at 40 C.F.R. § 745.84(a)(1) require that, no more than 60 days before beginning renovation activities in any residential dwelling unit of target housing, the firm performing the renovation must provide the owner of the unit with the EPA approved lead hazard information pamphlet titled *Renovate Right: Important Lead Hazard Information for Families, Child Care Providers and Schools*.

755. Respondent failed to provide the owner of the Panther Way Property with the EPA approved lead hazard information pamphlet.

756. Respondent's failure to provide the owner of the Panther Way Property with the EPA approved lead hazard information pamphlet is a violation of 40 C.F.R. § 745.84(a)(1). Respondent, therefore, violated Section 409 of TSCA, 15 U.S.C. § 2689.

**COUNT 169**

757. Each and every preceding paragraph is incorporated by reference herein.

758. The regulations at 40 C.F.R. § 745.86(b)(6) require that firms performing renovations must retain documentation that renovation activities complied with the work practice standards contained in 40 C.F.R. § 745.85 for a period of 3 years pursuant to 40 C.F.R. § 745.86(a).

759. Respondent failed to retain documentation that renovation activities performed at the Panther Way Property complied with the work practice standards contained in 40 C.F.R. § 745.85, as required by 40 C.F.R. § 745.86(b)(6).

760. Respondent's failure to retain documentation that renovation activities performed at the Panther Way Property complied with the work practice standards contained in 40 C.F.R. § 745.85, as required by 40 C.F.R. § 745.86(b)(6), is a violation of Section 409 of TSCA, 15 U.S.C. § 2689.

#### **COUNT 170**

761. Each and every preceding paragraph is incorporated by reference herein.

762. Pursuant to 40 C.F.R. § 745.81(a)(4)(ii), all renovations must be performed in accordance with the work practice standards in 40 C.F.R. § 745.85. The regulation at 40 C.F.R. § 745.85(a)(4)(i) requires firms 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.

763. At the Panther Way Property, Respondent failed 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, as required by 40 C.F.R. § 745.85(a)(4)(i).

764. Respondent's 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 at the Panther Way Property is a violation of 40 C.F.R. § 745.85(a)(4)(i) pursuant to 40 C.F.R. § 745.81(a)(4)(ii). Respondent, therefore, violated Section 409 of TSCA, 15 U.S.C. § 2689.

#### **624 SOUTH 7TH STREET, WACO, TEXAS**

#### **COUNT 171**

765. Each and every preceding paragraph is incorporated by reference herein.

766. Counts 171 through 177 herein apply to the property located at 624 South 7th Street, Waco Texas, the "South 7th Street Property," which was target housing, having been built in approximately 1920, and which was renovated by Respondent in or around August 2015.

767. Respondent performed a regulated renovation at the South 7th Street Property.

768. Pursuant to 40 C.F.R. § 745.89(d)(1), firms performing renovations for compensation must assign a certified renovator to each renovation performed by the firm in accordance with 40 C.F.R. § 745.90.

769. Respondent failed to assign a certified renovator to the renovation at the South 7th Street Property.

770. Respondent's failure to assign a certified renovator to the renovation at the South 7th Street Property is a violation of 40 C.F.R. § 745.89(d)(1). Respondent, therefore, violated Section 409 of TSCA, 15 U.S.C. § 2689.

### **COUNT 172**

771. Each and every preceding paragraph is incorporated by reference herein.

772. The regulations at 40 C.F.R. § 745.84(a)(1) require that, no more than 60 days before beginning renovation activities in any residential dwelling unit of target housing, the firm performing the renovation must provide the owner of the unit with the EPA approved lead hazard information pamphlet titled *Renovate Right: Important Lead Hazard Information for Families, Child Care Providers and Schools*.

773. Respondent failed to provide the owner of the South 7th Street Property with the EPA approved lead hazard information pamphlet.

774. Respondent's failure to provide the owner of the South 7th Street Property with the EPA approved lead hazard information pamphlet is a violation of 40 C.F.R. § 745.84(a)(1). Respondent, therefore, violated Section 409 of TSCA, 15 U.S.C. § 2689.

### **COUNT 173**

775. Each and every preceding paragraph is incorporated by reference herein.

776. The regulations at 40 C.F.R. § 745.86(b)(6) require that firms performing renovations must retain documentation that renovation activities complied with the work practice standards contained in 40 C.F.R. § 745.85 for a period of 3 years pursuant to 40 C.F.R. § 745.86(a).

777. Respondent failed to retain documentation that renovation activities performed at the South 7th Street Property complied with the work practice standards contained in 40 C.F.R. § 745.85, as required by 40 C.F.R. § 745.86(b)(6).

778. Respondent's failure to retain documentation that renovation activities performed at the South 7th Street Property complied with the work practice standards contained in 40 C.F.R. § 745.85, as required by 40 C.F.R. § 745.86(b)(6), is a violation of Section 409 of TSCA, 15 U.S.C. § 2689.

### **COUNT 174**

779. Each and every preceding paragraph is incorporated by reference herein.

780. Pursuant to 40 C.F.R. § 745.81(a)(4)(ii), all renovations must be performed in accordance with the work practice standards in 40 C.F.R. § 745.85. The regulation at 40 C.F.R. § 745.85(a)(2)(i)(C) requires firms to close all doors and windows within the renovation work area.

781. Respondent did not close all doors and windows within the renovation work area at the South 7th Street Property as required by 40 C.F.R. § 745.85(a)(2)(i)(C).

782. Respondent's failure to close all doors and windows within renovation work area at the South 7th Street Property is a violation of 40 C.F.R. § 745.85(a)(2)(i)(C) pursuant to 40 C.F.R. § 745.81(a)(4)(ii). Respondent, therefore, violated Section 409 of TSCA, 15 U.S.C. § 2689.

### **COUNT 175**

783. Each and every preceding paragraph is incorporated by reference herein.

784. Pursuant to 40 C.F.R. § 745.81(a)(4)(ii), all renovations must be performed in accordance with the work practice standards in 40 C.F.R. § 745.85. For interior renovations, the regulation at 40 C.F.R. § 745.85(a)(2)(i)(D) requires firms to cover the floor surface, including installed carpet, with taped-down plastic sheeting or other impermeable material in the work area six feet beyond the perimeter of surfaces undergoing renovation or a sufficient distance to contain the dust, whichever is greater.

785. At the South 7th Street Property, Respondent failed to cover the floor surface with taped-down plastic sheeting or other impermeable material in the work area six feet beyond the perimeter of surfaces undergoing renovation or a sufficient distance to contain the dust, whichever is greater, as required by 40 C.F.R. § 745.85(a)(2)(i)(D).

786. Respondent's failure to cover the floor surface in the work area at the South 7th Street Property with taped-down plastic sheeting or other impermeable material is a violation of 40 C.F.R. § 745.85(a)(2)(i)(D) pursuant to 40 C.F.R. § 745.81(a)(4)(ii). Respondent, therefore, violated Section 409 of TSCA, 15 U.S.C. § 2689.

### **COUNT 176**

787. Each and every preceding paragraph is incorporated by reference herein.

788. Pursuant to 40 C.F.R. § 745.81(a)(4)(ii), all renovations must be performed in accordance with the work practice standards in 40 C.F.R. § 745.85. For exterior renovations, the regulation at 40 C.F.R. § 745.85(a)(2)(ii)(C) requires firms to cover the ground with plastic sheeting or other impermeable material in the work area ten feet beyond the renovation or a sufficient distance to collect falling paint debris, whichever is greater.

789. At the South 7th Street Property, Respondent failed to cover the ground with impermeable material in the work area ten feet beyond the renovation or a sufficient distance to collect falling paint debris, whichever is greater, as required by 40 C.F.R. § 745.85(a)(2)(ii)(C).

790. Respondent's failure to cover the ground at the South 7th Street Property with impermeable material in the work area ten feet beyond the renovation or a sufficient distance to collect falling paint debris, whichever is greater, is a violation of 40 C.F.R. § 745.85(a)(2)(ii)(C) pursuant to 40 C.F.R. § 745.81(a)(4)(ii). Respondent, therefore, violated Section 409 of TSCA, 15 U.S.C. § 2689.

#### **COUNT 177**

791. Each and every preceding paragraph is incorporated by reference herein.

792. Pursuant to 40 C.F.R. § 745.81(a)(4)(ii), all renovations must be performed in accordance with the work practice standards in 40 C.F.R. § 745.85. The regulation at 40 C.F.R. § 745.85(a)(4)(i) requires firms 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.

793. At the South 7th Street Property, Respondent failed 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, as required by 40 C.F.R. § 745.85(a)(4)(i).

794. Respondent's 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 at the South 7th Street Property is a violation of 40 C.F.R. § 745.85(a)(4)(i) pursuant to 40 C.F.R. § 745.81(a)(4)(ii). Respondent, therefore, violated Section 409 of TSCA, 15 U.S.C. § 2689.

**4214 HUBBY AVENUE, WACO, TEXAS**

**COUNT 178**

795. Each and every preceding paragraph is incorporated by reference herein.

796. Counts 178 through 180 herein apply to the property located at 4214 Hubby Avenue, Waco, Texas, the "Hubby Avenue Property," which was target housing, having been built in approximately 1949, and which was renovated by Respondent in or around November 2015.

797. Respondent performed a regulated renovation at the Hubby Avenue Property.

798. The regulations at 40 C.F.R. § 745.84(a)(1) require that, no more than 60 days before beginning renovation activities in any residential dwelling unit of target housing, the firm performing the renovation must provide the owner of the unit with the EPA approved lead hazard information pamphlet titled *Renovate Right: Important Lead Hazard Information for Families, Child Care Providers and Schools*.

799. Respondent failed to provide the owner of the Hubby Avenue Property with the EPA approved lead hazard information pamphlet.

800. Respondent's failure to provide the owner of the Hubby Avenue Property with the EPA approved lead hazard information pamphlet is a violation of 40 C.F.R. § 745.84(a)(1). Respondent, therefore, violated Section 409 of TSCA, 15 U.S.C. § 2689.

### **COUNT 179**

801. Each and every preceding paragraph is incorporated by reference herein.

802. Pursuant to 40 C.F.R. § 745.81(a)(4)(ii), all renovations must be performed in accordance with the work practice standards in 40 C.F.R. § 745.85. For interior renovations, the regulation at 40 C.F.R. § 745.85(a)(2)(i)(D) requires firms to cover the floor surface, including installed carpet, with taped-down plastic sheeting or other impermeable material in the work area six feet beyond the perimeter of surfaces undergoing renovation or a sufficient distance to contain the dust, whichever is greater.

803. At the Hubby Avenue Property, Respondent failed to cover the floor surface with taped-down plastic sheeting or other impermeable material in the work area six feet beyond the perimeter of surfaces undergoing renovation or a sufficient distance to contain the dust, whichever is greater, as required by 40 C.F.R. § 745.85(a)(2)(i)(D).

804. Respondent's failure to cover the floor surface in the work area at the Hubby Avenue Property with taped-down plastic sheeting or other impermeable material is a violation of 40 C.F.R. § 745.85(a)(2)(i)(D) pursuant to 40 C.F.R. § 745.81(a)(4)(ii). Respondent, therefore, violated Section 409 of TSCA, 15 U.S.C. § 2689.

### **COUNT 180**

805. Each and every preceding paragraph is incorporated by reference herein.

806. Pursuant to 40 C.F.R. § 745.81(a)(4)(ii), all renovations must be performed in accordance with the work practice standards in 40 C.F.R. § 745.85. For exterior renovations, the regulation at 40 C.F.R. § 745.85(a)(2)(ii)(C) requires firms to cover the ground with plastic sheeting or other impermeable material in the work area ten feet beyond the renovation or a sufficient distance to collect falling paint debris, whichever is greater.

807. At the Hubby Avenue Property, Respondent failed to cover the ground with impermeable material in the work area ten feet beyond the renovation or a sufficient distance to collect falling paint debris, whichever is greater, as required by 40 C.F.R. § 745.85(a)(2)(ii)(C).

808. Respondent's failure to cover the ground at the Hubby Avenue Property with impermeable material in the work area ten feet beyond the renovation or a sufficient distance to collect falling paint debris, whichever is greater, is a violation of 40 C.F.R. § 745.85(a)(2)(ii)(C) pursuant to 40 C.F.R. § 745.81(a)(4)(ii). Respondent, therefore, violated Section 409 of TSCA, 15 U.S.C. § 2689.

### **323B. SOUTH MADISON AVENUE, WACO, TEXAS**

#### **COUNT 181**

809. Each and every preceding paragraph is incorporated by reference herein.

810. Counts 181 and 182 herein apply to the property located at 323B. South Madison Avenue, Waco Texas, the "Madison Avenue Property," which was target housing, having been built before 1978, and which was renovated by Respondent in or around November 2015.

811. Respondent performed a regulated renovation at the Madison Avenue Property.

812. Pursuant to 40 C.F.R. § 745.89(d)(1), firms performing renovations for compensation must assign a certified renovator to each renovation performed by the firm in accordance with 40 C.F.R. § 745.90.

813. Respondent failed to assign a certified renovator to the renovation at the Madison Avenue Property. Respondent's failure to assign a certified renovator to the renovation at the Madison Avenue Property is a violation of 40 C.F.R. § 745.89(d)(1). Respondent, therefore, violated Section 409 of TSCA, 15 U.S.C. § 2689.

#### **COUNT 182**

814. Each and every preceding paragraph is incorporated by reference herein.

815. The regulations at 40 C.F.R. § 745.86(b)(6) require that firms performing renovations must retain documentation that renovation activities complied with the work practice standards contained in 40 C.F.R. § 745.85 for a period of 3 years pursuant to 40 C.F.R. § 745.86(a).

816. Respondent failed to retain documentation that renovation activities performed at the Madison Avenue Property complied with the work practice standards contained in 40 C.F.R. § 745.85, as required by 40 C.F.R. § 745.86(b)(6).

817. Respondent's failure to retain documentation that renovation activities performed at the Madison Avenue Property complied with the work practice standards contained in 40 C.F.R. § 745.85, as required by 40 C.F.R. § 745.86(b)(6), is a violation of Section 409 of TSCA, 15 U.S.C. § 2689.

**2820 SANGER AVENUE, WACO, TEXAS**

**COUNT 183**

818. Each and every preceding paragraph is incorporated by reference herein.

819. Counts 183 through 187 herein apply to the property located at 2820 Sanger Avenue, Waco, Texas, the "Sanger Avenue Property," which was target housing, having been built in approximately 1940, and which was renovated by Respondent in or around November 2015.

820. Respondent performed a regulated renovation at the Sanger Avenue Property.

821. Pursuant to 40 C.F.R. § 745.89(d)(1), firms performing renovations for compensation must assign a certified renovator to each renovation performed by the firm in accordance with 40 C.F.R. § 745.90.

822. Respondent failed to assign a certified renovator to the renovation at the Sanger Avenue Property.

823. Respondent's failure to assign a certified renovator to the renovation at the Sanger Avenue Property is a violation of 40 C.F.R. § 745.89(d)(1). Respondent, therefore, violated Section 409 of TSCA, 15 U.S.C. § 2689.

**COUNT 184**

824. Each and every preceding paragraph is incorporated by reference herein.

825. The regulations at 40 C.F.R. § 745.84(a)(1) require that, no more than 60 days before beginning renovation activities in any residential dwelling unit of target housing, the firm performing the renovation must provide the owner of the unit with the EPA approved lead hazard information pamphlet titled *Renovate Right: Important Lead Hazard Information for Families, Child Care Providers and Schools*.

826. Respondent failed to provide the owner of the Sanger Avenue Property with the EPA approved lead hazard information pamphlet.

827. Respondent's failure to provide the owner of the Sanger Avenue Property with the EPA approved lead hazard information pamphlet is a violation of 40 C.F.R. § 745.84(a)(1). Respondent, therefore, violated Section 409 of TSCA, 15 U.S.C. § 2689.

**COUNT 185**

828. Each and every preceding paragraph is incorporated by reference herein.

829. The regulations at 40 C.F.R. § 745.86(b)(6) require that firms performing renovations must retain documentation that renovation activities complied with the work practice

standards contained in 40 C.F.R. § 745.85 for a period of 3 years pursuant to 40 C.F.R. § 745.86(a).

830. Respondent failed to retain documentation that renovation activities performed at the Sanger Avenue Property complied with the work practice standards contained in 40 C.F.R. § 745.85, as required by 40 C.F.R. § 745.86(b)(6).

831. Respondent's failure to retain documentation that renovation activities performed at the Sanger Avenue Property complied with the work practice standards contained in 40 C.F.R. § 745.85, as required by 40 C.F.R. § 745.86(b)(6), is a violation of Section 409 of TSCA, 15 U.S.C. § 2689.

#### **COUNT 186**

832. Each and every preceding paragraph is incorporated by reference herein.

833. Pursuant to 40 C.F.R. § 745.81(a)(4)(ii), all renovations must be performed in accordance with the work practice standards in 40 C.F.R. § 745.85. The regulation at 40 C.F.R. § 745.85(a)(2)(i)(C) requires firms to close all doors and windows within the renovation work area.

834. Respondent did not close all doors and windows within the renovation work area at the Sanger Avenue Property as required by 40 C.F.R. § 745.85(a)(2)(i)(C).

835. Respondent's failure to close all doors and windows within renovation work area at the Sanger Avenue Property is a violation of 40 C.F.R. § 745.85(a)(2)(i)(C) pursuant to 40 C.F.R. § 745.81(a)(4)(ii). Respondent, therefore, violated Section 409 of TSCA, 15 U.S.C. § 2689.

#### **COUNT 187**

836. Each and every preceding paragraph is incorporated by reference herein.

837. Pursuant to 40 C.F.R. § 745.81(a)(4)(ii), all renovations must be performed in accordance with the work practice standards in 40 C.F.R. § 745.85. For interior renovations, the regulation at 40 C.F.R. § 745.85(a)(2)(i)(D) requires firms to cover the floor surface, including installed carpet, with taped-down plastic sheeting or other impermeable material in the work area six feet beyond the perimeter of surfaces undergoing renovation or a sufficient distance to contain the dust, whichever is greater.

838. At the Sanger Avenue Property, Respondent failed to cover the floor surface with taped-down plastic sheeting or other impermeable material in the work area six feet beyond the perimeter of surfaces undergoing renovation or a sufficient distance to contain the dust, whichever is greater, as required by 40 C.F.R. § 745.85(a)(2)(i)(D).

839. Respondent's failure to cover the floor surface in the work area at the Sanger Avenue Property with taped-down plastic sheeting or other impermeable material is a violation of 40 C.F.R. § 745.85(a)(2)(i)(D) pursuant to 40 C.F.R. § 745.81(a)(4)(ii). Respondent, therefore, violated Section 409 of TSCA, 15 U.S.C. § 2689.

## **II. CIVIL PENALTY ASSESSMENT**

Section 16 of TSCA, 15 U.S.C. § 2615, authorizes the assessment of a civil penalty for violations of Section 409 of TSCA, 15 U.S.C. § 2689, up to the maximum amount of \$37,500 for violations that occur between January 12, 2009, and November 2, 2015, and \$38,114 for violations thereafter.

For purposes of determining the amount of a civil penalty to be assessed, TSCA section 16(a)(2)(B), 15 U.S.C. § 2615(a)(2)(B) requires EPA to take into account the nature, circumstances, extent, and gravity of the violations alleged, as well as Respondent's ability to pay, effect on ability to continue to do business, any history of prior such violations, the degree of culpability, and such other matters as justice may require. In developing a proposed penalty, Complainant took into account the particular facts and circumstances of this case; the statutory factors set forth in TSCA Section 16(a)(2)(B), 15 U.S.C. § 2615(a)(2)(B), and EPA's

*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). The LBP Consolidated ERPP sets forth a general penalty assessment policy for violations of Section 409 of TSCA, including violations of the RRP Rule. The LBP Consolidated ERP provides a rational, consistent, and equitable calculation methodology for applying the statutory factors to particular cases.

Based upon the facts alleged in this Complaint, and in consideration of the nature, circumstances, extent, and gravity of the violations alleged, as well as Respondent's ability to pay, the effect on its ability to continue to do business, any history of prior such violations of TSCA, the degree of culpability, and such other matters as justice may require, the Complainant proposes that Respondent be assessed a civil penalty of *SEVEN HUNDRED NINETY-FIVE THOUSAND AND EIGHTY DOLLARS* (\$795,080) for the TSCA violations alleged in this Complaint.

### **III. NOTICE OF OPPORTUNITY TO REQUEST A HEARING**

As provided in TSCA § 16(a)(2)(A), 15 U.S.C. § 2615(a)(2)(A), and consistent with 40 C.F.R. § 22.14, Respondent has the right to request a formal hearing to contest any material fact set forth in this Complaint or to contest the appropriateness of the proposed penalty. To request a hearing pursuant to 40 C.F.R. § 22.15, Respondent must file a written Answer to the Complaint with the Headquarters Hearing Clerk, within thirty (30) days of service of this Complaint, at the following address:

Headquarters Hearing Clerk (1900L)  
United States Environmental Protection Agency  
1200 Pennsylvania Avenue, NW  
Washington, DC 20460.

Any hearing requested will be conducted in accordance with the Administrative Procedure Act, 5 U.S.C. § 551 et seq., and the Consolidated Rules of Practice. Pursuant to the Consolidated Rules of Practice, 40 C.F.R. § 22.15, Respondent's Answer must clearly and directly admit, deny, or explain each of the factual allegations contained in the Complaint of which Respondent has any knowledge. Where Respondent has no knowledge of a particular

factual allegation, the Answer should so state. The Answer should contain: (1) the circumstances or arguments which are alleged to constitute the grounds of any defense; (2) the facts which Respondent disputes; (3) the basis for opposing any proposed relief; and (4) a statement as to whether a hearing is requested. The denial of any material fact or the raising of any affirmative defense shall be construed as a request for a hearing. All material facts not denied in the Answer will be considered as admitted.

If Respondent fails to file a written Answer within thirty (30) days of service of this Complaint, such failure shall constitute an admission of all facts alleged in the Complaint and a waiver of Respondent's right to a hearing on such factual allegations. Failure to file a written Answer may result in Complainant's filing of a Motion for Default Order imposing the penalties herein without further proceedings.

A copy of Respondent's Answer and all other documents that Respondent files in this action should be sent to the attorney of record assigned to represent EPA in this matter:

Amos Presler, Attorney Advisor  
Office of Enforcement and Compliance Assurance  
U.S. Environmental Protection Agency  
1200 Pennsylvania Ave., N.W. (Mail code 2249A)  
Washington, D.C. 20460

Telephone: (202) 564-1076  
E-mail: Presler.Amos@epa.gov

#### **IV. INFORMAL SETTLEMENT CONFERENCE**

Whether or not Respondent requests a hearing, Respondent may confer informally with EPA to discuss the facts of this case, or amount of the penalty, and the possibility of settlement. An informal settlement conference does not, however, affect Respondent's obligation to file a timely written Answer to the Complaint.

EPA has the authority, where appropriate, to modify the amount of the penalty, once determined, to reflect settlement reached with Respondent in an informal conference. The terms of such an agreement will be embodied in a Consent Agreement. A Consent Agreement signed by EPA and Respondent is binding. The terms and conditions specified in the Consent Agreement are binding upon issuance of a Final Order by the Environmental Appeals Board.

Please be advised that the Consolidated Rules of Practice prohibit any ex parte (unilateral) discussion of the merits of this action with the Administrator, the members of the Environmental Appeals Board, the assigned Administrative Law Judge, or any person likely to advise these officials in the decision of the case, after the issuance of this Complaint. See 40 C.F.R. § 22.8.

#### V. PAYMENT PENALTY

Instead of filing an Answer, requesting a hearing, or requesting an informal settlement conference, Respondent may choose to pay the proposed penalty of Seven Hundred Ninety-Five Thousand and Eighty Dollars (\$795,080) to resolve this matter pursuant to 40 C.F.R. § 22.18(a). Such payment should be made by sending either a cashier's or certified check with a notation of "**Magnolia Waco Properties, LLC**," Penalty Docket No. "TSCA HQ-2018-5004," payable to the order of the "Treasurer, United States of America," to:

U.S. Environmental Protection Agency  
Fines and Penalties  
Docket No. TSCA-HQ-2018-5004  
Cincinnati Finance Center  
P.O. Box 979077  
St. Louis, Missouri 63197-9000,

or by wire transfer with a notation of "Magnolia Waco Properties, LLC," Penalty Docket No. "TSCA HQ-2018-5004" by using the following instructions:

Federal Reserve Bank of New York  
ABA = 021030004  
Account = 68010727  
SWIFT address = FRNYUS33  
33 Liberty Street  
New York, New York 10045  
Field Tag 4200 of the Fedwire message should read:  
"D 68010727 Environmental Protection Agency."

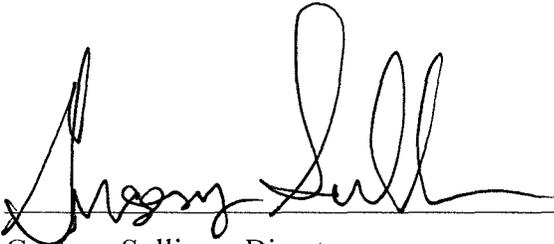
A copy of the check or other instrument of payment must be must be sent to the Complainant, Gregory Sullivan, and the attorney of record assigned to represent EPA in this matter, Amos Presler.

**U.S. ENVIRONMENTAL PROTECTION AGENCY**

**TSCA-HQ-2018-5004**

**In the Matter of: Magnolia Waco Properties, LLC d/b/a Magnolia Homes**

By:

A handwritten signature in black ink, appearing to read "Gregory Sullivan", written over a horizontal line.

Date: Nov. 29, 2017

Gregory Sullivan, Director  
Waste and Chemical Enforcement Division  
Office of Civil Enforcement  
Office of Enforcement and Compliance Assurance  
U.S. Environmental Protection Agency

**ATTACHMENT**

*Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits* (Consolidated Rules of Practice), 40 C.F.R. Part 22.

CERTIFICATE OF SERVICE

I hereby certify that on the 29<sup>th</sup> day of November, 2017, the original of the foregoing Complaint and Notice of Opportunity for Hearing, Docket No. TSCA-HQ-2018-5004, was filed with the Headquarters Hearing Clerk and that a copy of the Complaint and Notice of Opportunity for Hearing, together with a copy of the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits, 40 C.F.R. Part 22, and the EPA's "Consolidated Enforcement Response and Penalty Policy for the Pre-Renovation Education Rule; Renovation, Repair and Painting Rule; and Lead-Based Paint Activities Rule," was sent to:

Respondent, by certified mail, return receipt requested:

Ken Mathis, Registered Agent  
Magnolia Waco Properties, LLC  
7503 Bosque Blvd., Suite 201  
Waco, TX 76712-3716

Counsel for Respondent, by electronic mail:

John D. Surma  
Adams and Reese LLP  
1221 McKinney Street, Suite 4400  
Houston, TX 77010

RECEIVED BY MAIL  
NOV 29 2017



Amos Presler, Attorney  
Office of Civil Enforcement  
U. S. Environmental Protection Agency (Mail Code 2249A)  
1200 Pennsylvania Avenue, NW  
Washington, DC 20460

11/29/2017

Date