

**UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY**

BEFORE THE ADMINISTRATOR

In the Matter of:)	
)	
Detroit Renovations, LLC, and Nicole Curtis)	Docket No. TSCA-HQ-2018-5006
)	
Respondents.)	

**AMENDED CIVIL COMPLAINT AND NOTICE OF
OPPORTUNITY FOR HEARING**

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 initiate this action.

The Respondents are NICOLE CURTIS, a natural person, and DETROIT RENOVATIONS, LLC, a corporation registered to do business in the states of Minnesota and Michigan.

Complainant alleges that Respondents have 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 Respondents of their 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 Respondents may file an Answer to this Complaint and Notice within 30 days and, if Respondents desire 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 initiated 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. Respondents are Nicole Curtis, a natural person, and Detroit Renovations, LLC (Detroit Renovations), a limited liability corporation registered in the states of Michigan and Minnesota, with a registered address of 1350 Lagoon Avenue, Suite 900, Minneapolis, MN 55408. Nicole Curtis is the registered agent of Detroit Renovations.

STATUTORY AND REGULATORY BACKGROUND

4. Congress passed the Residential Lead-Based Paint Hazard Reduction Act of 1992 (Act), 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 ensure 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 (RRP) Rule establishes work practice standards for renovations that disturb 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 \$37,500 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 \$38,892 for violations that occur after November 2, 2015, and are assessed on or after January 15, 2018.

GENERAL FACTUAL ALLEGATIONS COMMON TO ALL COUNTS

15. Respondent Detroit Renovations 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 Michigan and doing business in the states of Michigan and Minnesota.

16. Respondent Nicole Curtis, a natural person, is the sole officer and agent of Detroit Renovations.

17. At the time of all the allegations set forth herein, Respondent Detroit Renovations and Respondent Nicole Curtis, the registered agent and officer of Detroit Renovations, engaged in the renovation of at least five target housing units. Two of these target housing units are located in Minnesota, and three are located in Michigan.

18. Respondents, at all times referred to herein, were each a “person” and “firm” as defined by 40 C.F.R. § 745.83.

19. At all times relevant to this Complaint, each of the subject renovations performed by Respondents was a “renovation for compensation” as specified in 40 C.F.R. § 745.82(a).

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

21. In each renovation performed by Respondents at each housing unit specified in this Complaint, Respondents 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.

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

23. Beginning on or around October 2010, renovation activities performed by Respondents were depicted on the television program *Rehab Addict* and *Rehab Addict: Detroit*.

24. Pursuant to Section 11(c) of TSCA, 15 U.S.C. § 2610(c), on October 25, 2016, representatives of the EPA subpoenaed information and documentation necessary to assess Respondents' 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 *Rehab Addict* and *Rehab Addict: Detroit*, and all of Respondents' other renovation activities in pre-1978 housing during the preceding five (5) years.

25. On January 9, 2017, Respondents provided EPA with information and documentation about the renovations subject to EPA's October 25, 2016, subpoena.

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

27. Between December 15, 2017, and December 22, 2017, EPA twice attempted to establish contact with Respondents by email, directed to both Respondent Ms. Curtis and her attorney of record, Matthew Bredeweg. On January 9, 2018, having received no response to either of its emails to Ms. Curtis and Mr. Bredeweg, EPA contacted Mr. Bredeweg by telephone to discuss this matter. Mr. Bredeweg informed EPA that he no longer represented Respondents and

was unaware of other representation.

28. Between January 10, 2018, and January 18, 2018, EPA attempted to contact Respondent Ms. Curtis a third time by email and twice by telephone. EPA received no written response from Respondent Ms. Curtis to its three emails and was unable to reach Ms. Curtis by telephone.

29. On December 15, 2017, prior to EPA attempts to contact Ms. Curtis by telephone but after its initial email to Ms. Curtis and Mr. Bredeweg, Ms. Curtis left a voicemail with EPA staff after business hours, stating she was “returning [EPA’s] call.” EPA is unaware of any other attempt by Respondents, either through Ms. Curtis or new representation, to contact EPA by email or telephone regarding this matter.

30. On February 12, 2018, EPA by certified mail (confirmation of receipt dated March 1, 2018) sent Respondents a Notice of Violation and Opportunity to Show Cause (NOV). The NOV informed Respondents of EPA’s identification of the violations alleged in this Complaint, invited Respondents to discuss the violations, and offered Respondents an opportunity to show cause why EPA should not proceed with an enforcement action. As of the date of this filing, EPA has not received a response to the NOV.

ALLEGED VIOLATIONS

The Complainant hereby states and alleges that Respondents have 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

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

32. Pursuant to 40 C.F.R. § 745.81(a)(2)(ii), firms performing renovations for

compensation on target housing, 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. In addition, the regulation at 40 C.F.R. § 745.89(a)(1) requires firms that perform renovations on target housing for compensation to apply to EPA for certification to perform renovations or dust sampling.

33. Respondents 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, the subject renovations did not qualify for one of the exceptions identified in 40 C.F.R. § 745.82.

34. Respondents' 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). Respondents, therefore, violated Section 409 of TSCA, 15 U.S.C. § 2689.

4TH STREET PROPERTY

COUNT 2

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

36. 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.

37. Respondents failed to cover the floor surface at the 4th Street 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 was greater, as required by 40 C.F.R. § 745.85(a)(2)(i)(D).

38. Respondents' failure to cover the floor surface in the work area at the 4th 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). Respondents, therefore, violated Section 409 of TSCA, 15 U.S.C. § 2689.

CAMPBELL STREET PROPERTY

COUNT 3

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

40. 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.

41. Respondents failed to cover the floor surface at the Campbell Street 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 was greater, as required by 40 C.F.R. § 745.85(a)(2)(i)(D).

42. Respondents' failure to cover the floor surface in the work area at the Campbell 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). Respondents, therefore,

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

25TH STREET PROPERTY

COUNT 4

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

44. 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.

45. Respondents failed to cover the floor surface at the 25th Street 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 was greater, as required by 40 C.F.R. § 745.85(a)(2)(i)(D).

46. Respondents' failure to cover the floor surface in the work area at the 25th 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). Respondents, therefore, violated Section 409 of TSCA, 15 U.S.C. § 2689.

COUNT 5

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

48. 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, grinding, or power planing 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. Machines must be operated so that no visible dust or release of air occurs outside the shroud or containment system.

49. At the 25th Street Property, Respondents 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).

50. Respondents' use of a machine designed to remove paint or other surface coatings through a high speed operation such as sanding on painted surfaces at the 25th 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). Respondents, therefore, violated Section 409 of TSCA, 15 U.S.C. § 2689.

SUMMIT AVENUE PROPERTY

COUNT 6

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

52. 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.

53. Respondents failed to cover the floor surface at the Summit 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 was greater, as required by 40 C.F.R. § 745.85(a)(2)(i)(D).

54. Respondents' failure to cover the floor surface in the work area at the Summit 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). Respondents, therefore, violated Section 409 of TSCA, 15 U.S.C. § 2689.

COUNT 7

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

56. 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.

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

58. Respondents' failure to cover the ground at the Summit Avenue Property with impermeable material in the work area ten feet beyond the renovation or a sufficient distance to collect falling paint debris, whichever was 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.

GRAND BOULEVARD PROPERTY

COUNT 8

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

60. 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.

61. Respondents failed to cover the floor surface at the Grand Boulevard 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 was greater, as required by 40 C.F.R. § 745.85(a)(2)(i)(D).

62. Respondents' failure to cover the floor surface in the work area at the Grand Boulevard 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). Respondents, therefore, violated Section 409 of TSCA, 15 U.S.C. § 2689.

II. CIVIL PENALTY ASSESSMENT

Section 16 of TSCA, 15 U.S.C. § 2615, in conjunction penalty inflation regulations at 40 C.F.R. Part 19, authorizes the assessment of a civil penalty for violations of Section 409 of TSCA, 15 U.S.C. § 2689, up to a maximum of \$37,500 per violation for violations that occur

between January 12, 2009, and November 2, 2015, and \$38,892 per violation for violations that occurred thereafter and that are assessed on or after January 15, 2018.

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 Respondents' ability to pay, the effect on their 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 ERPP 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 Respondents' ability to pay, the effect on their ability to continue to do business, any history of prior such violations, the degree of culpability, and such other matters as justice may require, the Complainant proposes that Respondents be assessed a civil penalty of FORTY EIGHT THOUSAND EIGHT HUNDRED SEVEN SEVEN DOLLARS (\$48,877) for the violations alleged in this Complaint.

III. NOTICE OF OPPORTUNITY TO REQUEST A HEARING

As provided in TSCA Section 16(a)(2)(A), 15 U.S.C. § 2615(a)(2)(A), and consistent with 40 C.F.R. § 22.14, Respondents have 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, Respondents 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, Respondents' Answer must clearly and directly admit, deny, or explain each of the factual allegations contained in the Complaint of which Respondents have any knowledge. Where Respondents have 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 Respondents dispute; (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 Respondents fail 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 Respondents' 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 Respondents' Answer, and all other documents that Respondents file in this action, should be sent to the attorneys of record assigned to represent EPA in this matter:

Mark Seltzer, 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) 564-2901
E-mail: Seltzer.Mark@epa.gov

And:

Britt Bieri, Attorney Advisor
United States Environmental Protection Agency
Region 7
11201 Renner Boulevard
Lenexa, Kansas 66219

Telephone: (913) 551-7647
E-mail: Bieri.Britt@epa.gov

IV. INFORMAL SETTLEMENT CONFERENCE

Whether or not Respondents request a hearing, Respondents may confer informally with EPA to discuss the facts of this case, or the amount of the penalty, and the possibility of settlement. An informal settlement conference does not, however, affect Respondents' 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 a settlement reached with Respondents in an informal conference. The terms of such an agreement will be embodied in a Consent Agreement. A Consent Agreement signed by EPA and Respondents 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, Respondents may choose to pay the proposed penalty of FORTY EIGHT THOUSAND EIGHT HUNDRED SEVEN SEVEN DOLLARS (\$48,877) 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 "**Detroit Renovations, LLC,**" Penalty Docket No. "TSCA HQ-2018-5006," 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 "Detroit Renovations, LLC," Penalty Docket No. "TSCA HQ-2018-5006" by using the following instructions:

ATTACHMENT D

“Lead-Based Paint Poisoning Prevention in Certain Residential Structures,” 40

C.F.R. Part 745, Subpart E.

ATTACHMENT C

“Consolidated Enforcement Response and Penalty Policy for the Pre-Renovation Education Rule; Renovation, Repair and Painting Rule; and Lead-Based Paint Activities Rule.”

ATTACHMENT B

“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.

ATTACHMENT A

Summary of Counts by Property

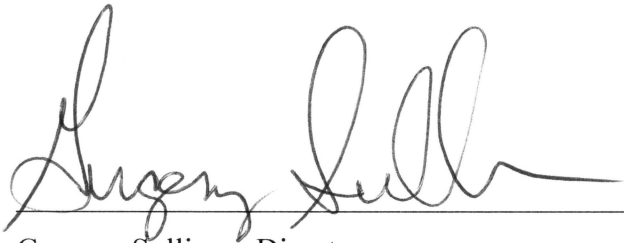
Property	Count	Violation
[Generally applicable]	1	40 C.F.R. § 745.81(a)(2)(ii)
4th Street Property 2914 4th St. N. Minneapolis, MN 55411	2	40 C.F.R. § 745.85(a)(2)(i)(D)
Campbell Avenue Property 4926 Campbell Ave. N. Detroit, MI 48210	3	40 C.F.R. § 745.85(a)(2)(i)(D)
25th Street Property 1900 25th Ave. N. Minneapolis, MN 55411	4	40 C.F.R. § 745.85(a)(2)(i)(D)
	5	40 C.F.R. § 745.85(a)(3)(ii)
Summit Avenue Property 986 Summit Ave. St. Paul, MN 55105	6	40 C.F.R. § 745.85(a)(2)(i)(D)
	7	40 C.F.R. § 745.85(a)(2)(ii)(C)
Grand Boulevard Property 571 East Grand Blvd. Detroit, MI 48207	8	40 C.F.R. § 745.85(a)(2)(i)(D)

U.S. ENVIRONMENTAL PROTECTION AGENCY

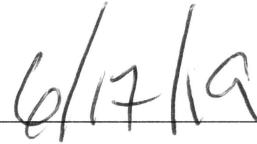
TSCA-HQ-2018-5006

In the Matter of: Detroit Renovations, LLC, and Nicole Curtis

By:

A handwritten signature in black ink, appearing to read "Gregory Sullivan", written over a horizontal line.

Date:

A handwritten date "6/17/19" written in black ink over a horizontal line.

Gregory Sullivan, Director
Waste and Chemical Enforcement Division
Office of Civil Enforcement
Office of Enforcement and Compliance Assurance
U.S. Environmental Protection Agency

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 attorneys of record assigned to represent EPA in this matter, Mark Seltzer and Britt Bieri.


CERTIFICATE OF SERVICE

I certify that the foregoing Amended Complaint and Notice of Opportunity for Hearing, Docket No. TSCA-HQ-2018-5006, has been submitted electronically using the OALJ E-Filing System.

A copy was sent by email and postal mail to:

Respondents: Nicole Curtis
 Detroit Renovations, LLC
 1350 Lagoon Avenue, Suite 900
 Minneapolis, Minnesota 55408
 assistant@nicolecurtis.com

Date 6/17/14



Mark Seltzer, Attorney Advisor
Waste and Chemical Enforcement Division
Office of Civil Enforcement, MC 2249A
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, D.C. 20460
Email: seltzer.mark@epa.gov
Telephone: (202) 564-2901