

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5**



In the Matter of:)	Docket No. TSCA-05-2024-0018
)	
All in One Solution)	Proceeding to Assess a Civil
Brunswick, Ohio,)	Penalty Under Section 16(a) of the
)	Toxic Substances Control Act,
Respondent.)	15 U.S.C. § 2615(a)
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Consent Agreement and Final Order

Preliminary Statement

1. This is an administrative action commenced and concluded under Section 16(a) of the Toxic Substances Control Act (TSCA), 15 U.S.C. § 2615(a), and Sections 22.1(a)(5), 22.13(b), and 22.18(b)(2)-(3) of the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits (Consolidated Rules), as codified at 40 C.F.R. §§ 22.1(a)(5), 22.13(b), and 22.18(b)(2)-(3).

2. The Complainant is the Director of the Enforcement and Compliance Assurance Division, United States Environmental Protection Agency, Region 5.

3. Respondent is All in One Solution, a sole proprietorship with a place of business located in Brunswick, Ohio.

4. Where the parties agree to settle one or more causes of action before the filing of a complaint, the administrative action may be commenced and concluded simultaneously by the issuance of a consent agreement and final order (CAFO). 40 C.F.R. § 22.13(b).

5. The parties agree that settling this action without the filing of a complaint or the adjudication of any issue of fact or law is in their interest and in the public interest.

6. Respondent consents to the assessment of the civil penalty specified in this CAFO and to the terms of this CAFO.

Jurisdiction and Waiver of Right to Hearing

7. Respondent admits the jurisdictional allegations in this CAFO and neither admits nor denies the factual allegations in this CAFO.

8. Respondent waives its right to request a hearing as provided in 40 C.F.R. § 22.15(c), any right to contest the allegations in this CAFO, and its right to appeal this CAFO.

Statutory and Regulatory Background

9. In promulgating the Residential Lead-Based Paint Hazard Reduction Act of 1992, Pub. L. No. 102-550, Oct. 28, 1998 (Title X), Congress found, among other things, that low-level lead poisoning was widespread among American children, afflicting as many as 3,000,000 children under age six; at low levels, lead poisoning in children causes intelligence quotient deficiencies, reading and learning disabilities, impaired hearing, reduced attention span, hyperactivity, and behavior problems; and the ingestion of household dust containing lead from deteriorating or abraded lead-based paint is the most common cause of lead poisoning in children. A key component of the national strategy to reduce and eliminate the threat of childhood lead poisoning is to educate the public concerning the hazards and sources of lead-based paint poisoning and steps to reduce and eliminate such hazards.

10. Section 1021 of Title X amended TSCA by adding Sections 401-12, entitled Lead Exposure Reduction, 15 U.S.C. §§ 2681-92.

11. Section 402(a) of TSCA, 15 U.S.C. § 2682, requires the Administrator of EPA to promulgate regulations to ensure that individuals engaged in lead-based paint activities are properly trained; that training programs are accredited; that contractors engaged in such activities are certified; and that such regulations contain standards for performing lead-based paint activities, taking into account reliability, effectiveness, and safety.

12. Section 402(c) of TSCA, 15 U.S.C. § 2682, requires the Administrator of EPA to promulgate guidelines for the conduct of renovation and remodeling activities to reduce the risk of exposure to lead in connection with renovation and remodeling of target housing and public buildings built before 1978, and commercial buildings, and to revise the regulations under Section 402(a) of TSCA to apply those regulations to renovation or remodeling activities in target housing, public buildings constructed before 1978, and commercial buildings that create lead-based paint hazards.

13. Section 407 of TSCA, 15 U.S.C. § 2687, requires the regulations promulgated by the Administrator of EPA under Subchapter IV to include such recordkeeping and reporting requirements as may be necessary to insure the effective implementation of the TSCA Lead Exposure Reduction requirements, 15 U.S.C. §§ 2681 through 2692.

14. Under Section 409 of TSCA, 15 U.S.C. § 2689, it shall be unlawful for any person to fail or refuse to comply with any rule or order issued under Subchapter IV – Lead Exposure Reduction, 15 U.S.C. §§ 2681 through 2692. *See also* 40 C.F.R. § 745.87.

15. Under Section 15 of TSCA, 15 U.S.C. § 2614, it shall be unlawful for any person to fail or refuse to establish and maintain records, submit reports, notices, or other information, or permit access to or copying of records, as required by TSCA or a rule thereunder. *See also* 40 C.F.R. § 745.87.

16. Pursuant to Sections 402 and 406 of TSCA, 15 U.S.C. §§ 2682 and 2686, EPA promulgated the residential property renovation regulations at 40 C.F.R. Part 745, Subpart E, prescribing procedures and requirements for: the accreditation of renovator training programs; certification of individuals and firms; work practice standards for renovation, repair and painting activities in target housing and child-occupied facilities; and recordkeeping to demonstrate compliance with work practice standards. *73 Fed. Reg.* 21691 (April 22, 2008).

17. 40 C.F.R. § 745.82(a) provides that Subpart E applies to all renovations performed in

target housing and child-occupied facilities, with certain exceptions not relevant here.

18. 40 C.F.R. § 745.83 defines “firm” to mean 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.

19. 40 C.F.R. § 745.83 defines “renovation” to mean 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 this part (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, ceiling, 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.

20. 40 C.F.R. § 745.83 defines “renovator” to mean an individual who either performs or directs workers who perform renovations. A certified renovator is a renovator who has successfully completed a renovator course accredited by EPA or an EPA-authorized State or Tribal Program.

21. 40 C.F.R. § 745.103 defines “residential dwelling” to mean a single family dwelling, including attached structures such as porches and stoops; or a single-family dwelling unit in a structure that contains more than one separate residential dwelling unit, and in which each such unit is used or occupied, or intended to be used or occupied, in whole or in part, as the residence of one or more persons.

22. 40 C.F.R. § 745.103 defines “target housing” to mean any housing constructed prior to 1978, except housing for the elderly or persons with disabilities (unless any child who is less than six (6) years of age resides or is expected to reside in such housing) or any zero-bedroom dwelling.

23. Under 15 U.S.C. § 2689 and 40 C.F.R. § 745.87(a), failing to comply with any requirement of 40 C.F.R. Part 745, Subpart E, violates Section 409 of TSCA, 15 U.S.C. § 2689, which may subject the violator to administrative civil penalties under Section 16(a) of TSCA, 15 U.S.C. § 2615(a) and 40 C.F.R. § 745.87(d).

24. Section 16(a) of TSCA, 42 U.S.C. § 2615(a), 40 C.F.R. § 745.87(d), and 40 C.F.R. Part 19, authorize the Administrator of EPA to assess a civil penalty of up to \$48,512 per violation for each day of violation of Sections 15 and 409 of TSCA that occurred after November 2, 2015, where penalties are assessed on or after December 27, 2023.

Factual Allegations and Alleged Violations

25. At all times relevant to this CAFO, Respondent was a sole proprietorship with a place of business located in Brunswick, Ohio, and was therefore a “firm” as defined by 40 C.F.R. § 745.83.

26. On July 11, 2022, EPA received a complaint regarding Respondent’s compliance with TSCA and 40 C.F.R. Part 745, Subpart E.

27. On August 17, 2022, EPA sent an information request letter (IRL) to Respondent regarding Respondent’s compliance with the residential property renovation requirements at 40 C.F.R. Part 745, Subpart E.

28. On October 14, 2023, Respondent replied to the IRL via email and provided records. Based on the information and records provided by Respondent, it performed or directed workers who performed renovations to the properties described in the chart below:

Renovation Work Performed at Target Housing

Line No.	Housing Address	Year Built	Contracted Work	Contract Date
1	163 South Logan Street Elyria, Ohio 44035	1959	Interior renovation	January 19, 2021
2	434 Idaho Avenue Lorain, Ohio 44052	1920	Interior renovation	May 9, 2022

3	434 Idaho Avenue Lorain, Ohio 44052	1920	Interior renovation	May 9, 2022
4	473 Oakmoor Avenue Bay Village, Ohio 44140	1947	Interior renovation	January 19, 2022
5	915 Mildred Avenue Lorain, Ohio 44052	1932	Interior renovation	October 10, 2021
6	1866 Bromton Drive Lyndhurst, Ohio 44124	1967	Door replacement	October 26, 2020
7	2206 Murray Hill Road Cleveland, Ohio 44106	1923	Interior renovation	January 19, 2022
8	2847 Paxton Road Shaker Heights, Ohio 44120	1924	Interior renovation	February 8, 2021
9	3374 Reid Avenue Lorain, Ohio 44055	1940	Interior renovation	August 24, 2020
10	3616 Edgewood Drive Lorain, Ohio 44053	1974	Interior renovation	September 7, 2020
11	3616 Edgewood Drive Lorain, Ohio 44053	1974	Interior renovation	September 7, 2020
12	4643 Sarasota Drive Parma, Ohio 44134	1967	Interior renovation	January 11, 2021
13	5411 Dartmouth Drive Parma, Ohio 44129	1962	Door replacement	July 28, 2020
14	5796 Paula Boulevard North Ridgeville, Ohio 44039	1960	Interior renovation	April 15, 2021
15	6264 Westminster Drive Parma, Ohio 44129	1951	Interior renovation	January 29, 2022
16	6475 Fry Road Brook Park, Ohio 44142	1969	Interior renovation	November 6, 2020
17	13436 Tyler Avenue Cleveland, Ohio 44111	1943	Door replacement	August 24, 2020
18	14600 Rochelle Drive Maple Heights, Ohio 44137	1973	Door replacement	October 27, 2020
19	15668 Birchcroft Drive Brook Park, Ohio 44142	1960	Interior renovation	April 30, 2021
20	22676 Peachtree Lane Rocky River, Ohio 44116	1957	Interior renovation	May 22, 2022
21	28022 Sites Road Bay Village, Ohio 44140	1975	Interior renovation	October 26, 2020

29. The interior renovations and door replacements that Respondent performed at the properties listed in paragraph 28, above, were modifications of the buildings' existing structures that resulted in disturbance of painted surfaces, and were therefore "renovations" as defined in 40 C.F.R.

§ 745.83.

30. The August 17, 2022 IRL that EPA issued requested all records for the renovations that Respondent had performed from 2020 to 2022. Respondent provided contracts for the 21 renovations identified in paragraph 28, above, but did not provide any records necessary to demonstrate compliance with work practice standards in 40 C.F.R. § 745.85.

31. The buildings listed at the addresses in paragraph 28, above, are residential housing built prior to 1978, and therefore are “target housing” as defined in 40 C.F.R. § 745.103.

32. Respondent either performed or directed workers to perform the renovations described in paragraph 28, above, and is therefore a “renovator” as defined in 40 C.F.R. § 745.83.

COUNT ONE

33. Complainant incorporates paragraphs 1 through 32 of this CAFO as if set forth in this paragraph.

34. 40 C.F.R. § 745.81(a)(2)(ii) provides that on or after April 22, 2010, no firm may perform, offer, or claim to perform renovations without certification from EPA under 40 C.F.R. § 745.89 in target housing, unless the renovation qualifies for one of the exceptions identified in 40 C.F.R. § 745.82(a) or (c).

35. Respondent performed the renovation activities described in paragraph 28.

36. Respondent’s failure to be certified as a firm, under 40 C.F.R. § 745.89, before the renovations referred to in paragraph 28 constitutes a violation of 40 C.F.R. § 745.81(a)(2)(ii) and 15 U.S.C. § 2689.

COUNTS 2 – 22

37. Complainant incorporates paragraphs 1 through 32 of this CAFO as if set forth in this paragraph.

38. 40 C.F.R. § 745.84(a)(1) requires a firm performing a renovation in a residential dwelling

unit of target housing to provide the owner of the unit with the EPA-approved lead hazard information pamphlet no more than 60 days before beginning renovation activities.

39. Each renovation project described in paragraph 28 was in a residential dwelling unit of target housing.

40. For each renovation project described in paragraph 28, Respondent failed to provide the owner of the unit with the EPA-approved lead hazard information pamphlet, in violation of 40 C.F.R. § 745.84(a)(1) and 15 U.S.C. § 2689.

COUNT 23

41. Complainant incorporates paragraphs 1 through 32 of this CAFO as if set forth in this paragraph.

42. 40 C.F.R. § 745.85(a)(1) requires a firm to post signs clearly defining the work area and warning occupants and other persons not involved in renovation activities to remain outside of the work area; to prepare, to the extent practicable, signs in the primary language of the occupants; and to post signs before beginning the renovation and make sure they remain in place and readable until the renovation and the post-renovation cleaning verification have been completed.

43. For the renovation referenced in paragraph 28, Line No. 7, Respondent failed to post signs clearly defining the work area and warning occupants and other persons not involved in renovation activities to remain outside of the work area; to prepare, to the extent practicable, signs in the primary language of the occupants; and to post signs before beginning the renovation and make sure they remain in place and readable until the renovation and the post-renovation cleaning verification have been completed, in violation of 40 C.F.R. § 745.85(a)(1) and 15 U.S.C. § 2689.

COUNT 24

44. Complainant incorporates paragraphs 1 through 32 of this CAFO as if set forth in this

paragraph.

45. 40 C.F.R. § 745.85(a)(2)(i)(A) requires a firm to remove all objects from the work area, including furniture, rugs, and window coverings, or cover them with plastic sheeting or other impermeable material with all seams and edges taped or otherwise sealed.

46. For the renovation referenced in paragraph 28, Line No. 7, Respondent failed to remove all objects from the work area, including furniture, rugs, and window coverings, or cover them with plastic sheeting or other impermeable material with all seams and edges taped or otherwise sealed, in violation of 40 C.F.R. § 745.85(a)(2)(i)(A) and 15 U.S.C. § 2689.

COUNT 25

47. Complainant incorporates paragraphs 1 through 32 of this CAFO as if set forth in this paragraph.

48. 40 C.F.R. § 745.85(a)(2)(i)(C) requires a firm to close windows and doors in the work area, cover doors with plastic sheeting or other impermeable material, and cover doors used as an entrance to the work with plastic sheeting or other impermeable material in a manner that allows workers to pass through while confining dust and debris to the work area.

49. For the renovation referenced in paragraph 28, Line No. 7, Respondent failed to close windows and doors in the work area, cover doors with plastic sheeting or other impermeable material, and cover doors used as an entrance to the work with plastic sheeting or other impermeable material in a manner that allows workers to pass through while confining dust and debris to the work area, in violation of 40 C.F.R. § 745.85(a)(2)(i)(C) and 15 U.S.C. § 2689.

COUNT 26

50. Complainant incorporates paragraphs 1 through 32 of this CAFO as if set forth in this paragraph.

51. 40 C.F.R. § 745.85(a)(2)(i)(D) requires a firm 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.

52. For the renovation referenced in paragraph 28, Line No. 7, Respondent failed 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, in violation of 40 C.F.R. § 745.85(a)(2)(i)(D) and 15 U.S.C. § 2689.

COUNT 27

53. Complainant incorporates paragraphs 1 through 32 of this CAFO as if set forth in this paragraph.

54. 40 C.F.R. § 745.85(a)(5) requires a firm to clean the work area until no dust, debris or residue remains after the renovation has been completed.

55. For the renovation referenced in paragraph 28, Line No. 7, Respondent failed to clean the work area until no dust, debris or residue remains after the renovation has been completed, in violation of 40 C.F.R. § 745.85(a)(5) and 15 U.S.C. § 2689.

COUNT 28

56. Complainant incorporates paragraphs 1 through 32 of this CAFO as if set forth in this paragraph.

57. 40 C.F.R. § 745.85(a)(5)(ii) requires a firm to clean all objects and surfaces in the work area and within two feet of the work area, cleaning from higher to lower.

58. For the renovation referenced in paragraph 28, Line No. 7, Respondent failed to clean all objects and surfaces in the work area and within two feet of the work area, cleaning from higher to lower, in violation of 40 C.F.R. § 745.85(a)(5)(ii) and 15 U.S.C. § 2689.

COUNT 29

59. Complainant incorporates paragraphs 1 through 32 of this CAFO as if set forth in this paragraph.

60. 40 C.F.R. § 745.85(a)(5)(ii)(A) requires a firm to clean walls in the work area, starting at the ceiling and working down to the floor, by either vacuuming with a HEPA vacuum or wiping with a damp cloth.

61. For the renovation referenced in paragraph 28, Line No. 7, Respondent failed to clean walls in the work area, starting at the ceiling and working down to the floor, by either vacuuming with a HEPA vacuum or wiping with a damp cloth, in violation of 40 C.F.R. § 745.85(a)(5)(ii)(A) and 15 U.S.C. § 2689.

COUNT 30

62. Complainant incorporates paragraphs 1 through 32 of this CAFO as if set forth in this paragraph.

63. 40 C.F.R. § 745.85(a)(5)(ii)(B) requires a firm to thoroughly vacuum all remaining surfaces and objects in the work area, including furniture and fixtures, with a HEPA vacuum and/or use a HEPA vacuum equipped with a beater bar when vacuuming carpets and rugs.

64. For the renovation referenced in paragraph 28, Line No. 7, Respondent failed to thoroughly vacuum all remaining surfaces and objects in the work area, including furniture and fixtures, with a HEPA vacuum and/or use a HEPA vacuum equipped with a beater bar when vacuuming carpets and rugs, in violation of 40 C.F.R. § 745.85(a)(5)(ii)(B) and 15 U.S.C. § 2689.

COUNT 31

65. Complainant incorporates paragraphs 1 through 32 of this CAFO as if set forth in this paragraph.

66. 40 C.F.R. § 745.85(a)(5)(ii)(C) requires a firm to wipe all remaining surfaces and objects

in the work area, except for carpeted or upholstered surfaces, with a damp cloth and/or mop uncarpeted floors thoroughly, using a mopping method that keeps the wash water separate from the rinse water, such as the 2-bucket mopping method, or using a wet mopping system.

67. For the renovation referenced in paragraph 28, Line No. 7, Respondent failed to wipe all remaining surfaces and objects in the work area, except for carpeted or upholstered surfaces, with a damp cloth and/or mop uncarpeted floors thoroughly, using a mopping method that keeps the wash water separate from the rinse water, such as the 2-bucket mopping method, or using a wet mopping system, in violation of 40 C.F.R. § 745.85(a)(5)(ii)(C) and 15 U.S.C. § 2689.

COUNTS 32 – 52

68. Complainant incorporates paragraphs 1 through 32 of this CAFO as if set forth in this paragraph.

69. 40 C.F.R. § 745.86(b)(6) requires a firm to document compliance with the work practice standards in 40 C.F.R. § 745.85 by retaining records to document that a certified renovator was assigned to the renovation project.

70. For each renovation project described in paragraph 28, Respondent failed to document that a certified renovator was assigned to the renovation project, in violation of 40 C.F.R. § 745.86(b)(6) and 15 U.S.C. § 2689.

COUNTS 53 – 73

71. Complainant incorporates paragraphs 1 through 32 of this CAFO as if set forth in this paragraph.

72. 40 C.F.R. § 745.86(b)(6) requires a firm to document compliance with the work practice standards in 40 C.F.R. § 745.85 by retaining records to document that a certified renovator performed or directed workers who performed all of the work practice standards described in 40 C.F.R. § 745.85(a).

73. For each renovation project described in paragraph 28, Respondent failed to document that a certified renovator performed or directed workers who performed all of the work practice standards described in 40 C.F.R. § 745.85(a), in violation of 40 C.F.R. § 745.86(b)(6) and 15 U.S.C. § 2689.

COUNTS 74 – 94

74. Complainant incorporates paragraphs 1 through 32 of this CAFO as if set forth in this paragraph.

75. 40 C.F.R. § 745.86(b)(6)(i) requires a firm to document compliance with the work practice standards in 40 C.F.R. § 745.85 by retaining records to document that the certified renovator performed on-the-job training for workers used on the renovation project.

76. For each renovation project described in paragraph 28, Respondent failed to document compliance with the work practice standards in 40 C.F.R. § 745.85 by retaining records to document that the certified renovator performed on-the-job training for workers used on each renovation project, in violation of 40 C.F.R. § 745.86(b)(6)(i) and 15 U.S.C. § 2689.

COUNTS 95 – 115

77. Complainant incorporates paragraphs 1 through 32 of this CAFO as if set forth in this paragraph.

78. 40 C.F.R. § 745.86(b)(6)(viii) requires a firm to document compliance with the work practice standards in 40 C.F.R. § 745.85 by retaining records to document that the certified renovator performed the post-cleaning verification described in 40 C.F.R. § 745.85(b).

79. For each renovation project described in paragraph 28, Respondent failed to document compliance with the work practice standards in 40 C.F.R. § 745.85 by retaining records to document that the certified renovator performed the post-cleaning verification described in 40 C.F.R. § 745.85(b), in violation of 40 C.F.R. § 745.85(6)(viii) and 15 U.S.C. § 2689.

COUNTS 116 – 136

80. Complainant incorporates paragraphs 1 through 32 of this CAFO as if set forth in this paragraph.

81. 40 C.F.R. § 745.86(b)(6) requires a firm to document compliance with the work practice standards in 40 C.F.R. § 745.85 by retaining a copy of a certification from the certified renovator assigned to the project certifying the requirements in 40 C.F.R. § 745.86(b)(6)(i) through (viii) were completed.

82. For each renovation project described in paragraph 28, Respondent failed to document compliance with the work practice standards in 40 C.F.R. § 745.85 by retaining a copy of a certification from the certified renovator assigned to the project certifying the requirements in 40 C.F.R. § 745.86(b)(6)(i) through (viii) were completed, in violation of 40 C.F.R. § 745.86(b)(6) and 15 U.S.C. § 2689.

COUNTS 137 – 157

83. Complainant incorporates paragraphs 1 through 32 of this CAFO as if set forth in this paragraph.

84. 40 C.F.R. § 745.86(b)(6) requires a firm to document compliance with the work practice standards in 40 C.F.R. § 745.85 by retaining a copy of a certification from the certified renovator assigned to the project certifying the requirements in 40 C.F.R. § 745.86(b)(6)(i) through (viii) were completed.

85. For each renovation project described in paragraph 28, Respondent failed to document compliance with the work practice standards in 40 C.F.R. § 745.85 by retaining a copy of a certification from the certified renovator assigned to the project certifying the requirements in 40 C.F.R. § 745.86(b)(6)(i) through (viii) were completed, in violation of 40 C.F.R. § 745.86(b)(6) and 15 U.S.C. § 2689.

COUNTS 158 – 178

86. Complainant incorporates paragraphs 1 through 32 of this CAFO as if set forth in this paragraph.

87. 40 C.F.R. § 745.89(d)(1) requires firms to ensure that all individuals performing renovation activities on behalf of the firm are either certified renovators or have been trained by a certified renovator in accordance with 40 C.F.R. § 745.90.

88. For each renovation project described in paragraph 28, Respondent failed to ensure that all individuals performing renovation activities on behalf of the firm were either certified renovators or had been trained by a certified renovator in accordance with 40 C.F.R. § 745.90, in violation of 40 C.F.R. § 745.89(d)(1) and 15 U.S.C. § 2689.

COUNTS 179 – 199

89. Complainant incorporates paragraphs 1 through 32 of this CAFO as if set forth in this paragraph.

90. 40 C.F.R. § 745.89(d)(2) requires that a certified renovator be assigned to each renovation performed by the firm and discharge all of the certified renovator responsibilities identified in 40 C.F.R. § 745.90.

91. For each renovation project described in paragraph 28, Respondent failed to ensure that a certified renovator was assigned to each renovation performed by the firm and discharged all of the certified renovator responsibilities identified in 40 C.F.R. § 745.90, in violation of 40 C.F.R. § 745.89(d)(2) and 15 U.S.C. § 2689.

Civil Penalty

92. Pursuant to Section 16(a) of TSCA, 15 U.S.C. § 2615(a), Complainant determined that an appropriate civil penalty to settle this action is \$500. In determining the penalty amount, Complainant considered the nature, circumstances, extent and gravity of the violations alleged and, with respect to Respondent, ability to pay, effect on ability to continue to do business, any history of prior such violations, the degree of culpability, and such other factors as justice may require. Complainant also considered EPA's *Interim Final Consolidated Enforcement Response and Penalty Policy for the Pre-Renovation Education Rule; Renovation, Repair and Painting Rule; and Lead-Based Paint Activities Rule*, Revised April 5, 2013.

93. Respondent agrees to pay a civil penalty in the amount of \$500 ("Assessed Penalty") within thirty (30) days after the date the Final Order ratifying this Agreement is filed with the Regional Hearing Clerk ("Filing Date"). EPA conducted an analysis of Respondent's financial information and determined Respondent has a limited ability to pay. Consequently, in accordance with applicable law, EPA determined that the Assessed Penalty is an appropriate amount to settle this action.

94. Respondent shall pay the Assessed Penalty and any interest, fees, and other charges due using any method, or combination of appropriate methods, as provided on the EPA website: <https://www.epa.gov/financial/makepayment>. For additional instructions see: <https://www.epa.gov/financial/additional-instructions-making-payments-epa>.

95. When making a payment, Respondent shall:

- a. Identify every payment with Respondent's name and the docket number of this Agreement, TSCA-05-2024-0018,
- b. Concurrently with any payment or within 24 hours of any payment, Respondent shall serve proof of such payment to the following person(s):

Regional Hearing Clerk

U.S. Environmental Protection Agency, Region 5
r5hearingclerk@epa.gov

Craig Meredith
Pesticides and Toxics Compliance Section
U.S. Environmental Protection Agency, Region 5
meredith.craig@epa.gov
and
R5LEECAB@epa.gov

Josh Zaharoff
Office of Regional Counsel
U.S. Environmental Protection Agency, Region 5
Zaharoff.Josh@epa.gov

U.S. Environmental Protection Agency
Cincinnati Finance Center
CINWD_AcctsReceivable@epa.gov

“Proof of payment” means, as applicable, a copy of the check, confirmation of credit card or debit card payment, or confirmation of wire or automated clearinghouse transfer, and any other information required to demonstrate that payment has been made according to EPA requirements, in the amount due, and identified with the appropriate docket number and Respondent’s name.

96. Interest, Charges, and Penalties on Late Payments. Pursuant to 15 U.S.C. § 2615, 31 U.S.C. § 3717, 31 C.F.R. § 901.9, and 40 C.F.R. § 13.11, if Respondent fails to timely pay any portion of the Assessed Penalty per this Agreement, the entire unpaid balance of the Assessed Penalty and all accrued interest shall become immediately due and owing, and EPA is authorized to recover the following amounts.

- a. Interest. Interest begins to accrue from the Filing Date. If the Assessed Penalty is paid in full within thirty (30) days, interest accrued is waived. If the Assessed Penalty is not paid in full within thirty (30) days, interest will continue to accrue until any unpaid portion of the Assessed Penalty as well as any interest, penalties,

and other charges are paid in full. To protect the interests of the United States the rate of interest is set at the IRS standard underpayment rate; any lower rate would fail to provide Respondent adequate incentive for timely payment.

- b. Handling Charges. Respondent will be assessed monthly a charge to cover EPA's costs of processing and handling overdue debts. If Respondent fails to pay the Assessed Penalty in accordance with this Agreement, EPA will assess a charge to cover the costs of handling any unpaid amounts for the first thirty (30) day period after the Filing Date. Additional handling charges will be assessed each subsequent thirty (30) days, or any portion thereof, until the unpaid portion of the Assessed Penalty, as well as any accrued interest, penalties, and other charges are paid in full.
- c. Late Payment Penalty. A late payment penalty of six percent (6%) per annum, will be assessed monthly on all debts, including any unpaid portion of the Assessed Penalty, interest, and other charges, that remain delinquent more than ninety (90) days.

97. Late Penalty Actions. In addition to the amounts described in the prior Paragraph, if Respondent fails to timely pay any portion of the Assessed Penalty, interest, or other charges and penalties per this Agreement, EPA may take additional actions. Such actions may include, but are not limited to, the following.

- a. Refer the debt to a credit reporting agency or a collection agency, per 40 C.F.R. §§ 13.13 and 13.14.
- b. Collect the debt by administrative offset (i.e., the withholding of money payable by the United States government to, or held by the United States government for, a person to satisfy the debt the person owes the United States government), which

includes, but is not limited to, referral to the Internal Revenue Service for offset against income tax refunds, 40 C.F.R. Part 13, Subparts C and H.

- c. Suspend or revoke Respondent's licenses or other privileges, or suspend or disqualify Respondent from doing business with EPA or engaging in programs EPA sponsors or funds, 40 C.F.R. § 13.17.
- d. Per 15 U.S.C. § 2615(a), the Attorney General will bring a civil action in the appropriate district court to recover the full remaining balance of the debt plus interest. In such an action, the validity, amount, and appropriateness of the Assessed Penalty shall not be subject to review.

General Provisions

98. The parties consent to service of this CAFO by e-mail at the following valid e-mail addresses: Zaharoff.Josh@epa.gov (for Complainant), and aiosgeneralcontracting@gmail.com (for Respondent). Respondent understands that the CAFO will become publicly available upon filing.

99. This CAFO resolves only Respondent's liability for federal civil penalties for the violations alleged in the CAFO.

100. This CAFO does not affect the rights of EPA or the United States to pursue appropriate injunctive or other equitable relief or criminal sanctions for any violations of law.

101. This CAFO does not affect Respondent's responsibility to comply with TSCA, 15 U.S.C. § 2601 *et seq.*, its implementing regulations, and other applicable federal, state, and local laws.

102. Respondent certifies that it is complying with the residential property renovation regulations at 40 C.F.R. Part 745, Subpart E.

103. This CAFO constitutes a "prior such violation" as that term is used in EPA's Interim

Final Consolidated Enforcement Response and Penalty Policy for the Pre-Renovation Education Rule; Renovation, Repair and Painting Rule; and Lead-Based Paint Activities Rule to determine Respondent's "history of prior such violations" under Section 16(a)(2)(B) of TSCA, 15 U.S.C. § 2615(a)(2)(B).

104. The terms of this CAFO bind Respondent, and its successors and assigns.

105. Each person signing this agreement certifies that he or she has the authority to sign for the party whom he or she represents and to bind that party to its terms.

106. Each party agrees to bear its own costs and attorneys' fees in this action.

107. This CAFO constitutes the entire agreement between the parties.

**Consent Agreement and Final Order
In the Matter of: All in One Solution
Docket No.: TSCA-05-2024-0018**



Mr. Dale Lawhorn
Registered Agent
All in One Solution

September 17, 2024

Date

**Consent Agreement and Final Order
In the Matter of: All in One Solution
Docket No.: TSCA-05-2024-0018**

United States Environmental Protection Agency, Complainant

Michael D. Harris
Division Director
Enforcement and Compliance Assurance Division

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In the Matter of: All in One Solution
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Final Order

This Consent Agreement and Final Order, as agreed to by the parties, shall become effective immediately upon filing with the Regional Hearing Clerk. This Final Order concludes this proceeding pursuant to 40 C.F.R. §§ 22.18 and 22.31. IT IS SO ORDERED.

Ann L. Coyle
Regional Judicial Officer
United States Environmental Protection Agency
Region 5