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# Lead-Based Paint Enforcement: U.S. Environmental Protection Agency and Idaho Company Enter into Consent Agreement Addressing Alleged Violations

## Arkansas Environmental, Energy, and Water Law Blog

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The United States Environmental Protection Agency ("EPA") and DLR Properties LLC, ("DLR") entered into a July 16<sup>th</sup> Consent Agreement ("CA") addressing alleged violations of the Toxic Substances Control Act ("TSCA") and certain implementing regulations in regards to lead-based paint. See Docket No. TSC-10-2016-0102.

The CA states that DLR is an Idaho corporation that performed work for compensation in a house located in Coeur D'Alene, Idaho, which was built in 1912.

DLR is alleged to have conducted power washing in preparation of painting the property resulting in the disturbance of painted surfaces. As a result, DLR is alleged to have performed a "renovation" on "target housing" as those terms are defined in 40 C.F.R. § 745.83.

Regulations promulgated pursuant to Section 402 of TSCA govern lead-based paint activities including certification of individuals and firms for renovations and work practice standards for revisions. These rules are codified at 40 C.F.R. Part 745, subpart (E), Residential Property Renovation. 40 C.F.R. Part 745, subpart (E) applies to all renovations performed for compensation in target housing.

The CA alleges that DLR committed certain violations which are listed as four counts that include:

1. DLR did not obtain certification from EPA prior to conducting the DLR Properties LLC's renovation.
2. The individuals performing renovation activities at the DLR Properties LLC's renovation were not certified and had not been trained by a certified renovator in accordance with 40 C.F.R. Part 745.90.
3. During the DLR Properties LLC's renovation, DLR did not cover the ground with plastic sheeting or other material to collect falling paint debris.
4. During DLR Properties LLC's renovation, DLR did not erect a vertical containment or equivalent extra precautions in containing the work area to ensure that dust and paint chips from the renovation did not contaminate adjacent buildings or migrate to adjacent properties.

DLR neither admits nor denies the specific allegations contained in the CA.

DLR agrees to a \$9,800 civil penalty.

[A copy of the CA can be downloaded here.](#)