



Walter Wright, Jr.
wwright@mwlaw.com
(501) 688.8839

Lead Based Paint Enforcement: U.S. Environmental Protection Agency and Colorado Company Enter into Combined Complaint/Consent Agreement

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The United States Environmental Protection Agency ("EPA") and Lime Painting LLC ("LPL") entered into a December 23rd combined Complaint and Consent Agreement ("CA") addressing alleged violations of the Toxic Substances Control Act ("TSCA") Renovation, Repair and Painting ("RRP") rule.

EPA promulgated the RRP rule pursuant to Section 402 of TSCA. This rule is codified at 40 C.F.R. Part 745, Subpart E with the purpose of protecting the public from lead-paint hazards associated with renovation, repair and painting activities.

The RRP rule requires that individuals performing renovations for compensation in target houses be properly trained, renovators and firms that perform renovations be certified, and the work practice standards at 40 C.F.R § 745.85 followed during renovations.

The CA describes LPL as a company doing business in the state of Colorado that in May and June of 2016:

...engaged in work on a residential property at 2126 N. High Street in Denver, Colorado (High Street Jobsite) that included removal of exterior paint, including scraping, sanding, and grinding of exterior painted surfaces.

On June 6, 2016 an EPA representative is stated to have conducted a compliance inspection at LPL's jobsite on Montview Boulevard in Denver, Colorado ("Montview jobsite") to determine compliance with the RRP rule.

Both jobsites are alleged to be residential properties constructed prior to 1978 and "target housing" as the term is defined in 15 U.S. C. § 2681(17). Further, LPL is alleged to have performed a "renovation" as the term is defined in 40 C.F.R. § 745.83, at both jobsites.

The alleged violations identified in the CA include:

- Failure to obtain initial certification
- Failure to maintain records
- Failure to cover the ground with plastic sheeting or other disposable and permeable material
- Use of machines to remove paint through sanding or grinding on painted surfaces during the renovation

- Failure to contain waste from renovation activities

The CA assesses a civil penalty of \$19,950.

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