

Region 6 - Enforcement & Compliance Assurance Division
INSPECTION REPORT

Inspection Date(s):	3/20/2024	
Media Program:	Toxic Substance Control Act	
Regulatory Program(s)	Renovation Repair and Paint (RRP)	
Company Name:	Blackwell Construction	
Facility Name:	Same	
Facility Physical Location:	3437 Wharton Dr.	
(city, state, zip code)	Ft Worth, TX 76133	
Mailing address:	same	
(city, state, zip code)		
County/Parish:		
Facility Phone Number	817.294.3857 (c)	817.269.4116 (o)
Facility Contact:	Steve Blackwell	Owner
	Steveblackwell0416@sbcglobal.net	
FRS Number:	N/A	
Identification/Permit Number:	N/A	
Media Identifier Number:	N/A	
NAICS:		
SIC:		
Personnel participating in inspection:		
Angela Hays	EPA Region 6	Inspector
Stan Lancaster	EPA Region 6	Inspector
Steve Blackwell	Blackwell Construction	Owner
EPA Lead Inspector Signature/Date		
	Stan Lancaster / Date	
	RALPH LANCASTER Digitally signed by RALPH LANCASTER Date: 2024.04.22 11:09:19 -05'00'	
Supervisor Signature/Date		
	Troy Stuckey / Date	
	H STUCKEY Digitally signed by H STUCKEY Date: 2024.04.22 11:50:10 -05'00'	

Section I – INTRODUCTION

PURPOSE OF THE INSPECTION

The focus of the inspection was to evaluate compliance to the Toxic Substances Control Act (TSCA) Lead Base Paint (LBP) Renovation Repair and Paint (RRP) Rule. The company was identified during a larger effort to inspect companies that perform renovation work in West Dallas in the general vicinity of RSR Corporation's smelter facility. The RSR Corporation operated a lead smelter that after shut-down became a superfund site. This site was cleaned up between 1991 and 1994 and is currently undergoing redevelopment. We chose this area to conduct RRP inspections to help ensure that the potential of harm from lead-based paint in pre-1978 homes is being dealt with as required by TSCA.

This company was identified as a company has performed or intends to perform renovations on target housing. Blackwell construction was targeted using a random process, the inspectors are not aware of any citizen complaints at this facility.

FACILITY DESCRIPTION

Blackwell Construction is a general contractor that performs renovation and repairs in homes in the DFW metroplex area. Mr. Blackwell is the owner of Blackwell Construction and operates the business out of his home in Fort Worth, Texas. Blackwell construction offers a variety of construction related and home improvement type of services including remodels that have the potential to be regulated under the Renovate, Repair and Paint (RRP) Rule of TSCA. The inspection took place at Mr. Blackwell's home on Wharton Drive in Fort Worth.

Section II – OBSERVATIONS

On 03/20/2024 at approximately 11:00 AM, EPA inspectors Angela Hays and Stan Lancaster visited with Mr. Steve Blackwell, owner of Blackwell Construction, at 3437 Wharton Drive in Fort Worth, Texas. The inspection was an announced inspection to ensure that Mr. Blackwell would be available at this time. Upon arrival, the inspectors presented their credentials to Mr. Blackwell and the purpose of the inspection was discussed and a Notice of Inspection was signed (Appendix 1).

The inspectors conducted an interview and records review with Mr. Blackwell. Mr. Blackwell stated that Blackwell Construction is not and has never been an EPA Lead Certified Firm. He stated that his company was not aware of the requirements of the RRP rules under. He also stated Blackwell Construction hires other contractors to do work on their projects but had never checked to determine if these firms were lead certified or employed certified renovators. He stated that he was aware of several homes that he had worked on that were pre-1978 but was not prepared to provide a list at that time. He also stated that while many of the homes were pre-1978, they might not meet the criteria to trigger the RRP requirements (work was less than 6 square feet or no painted surfaces were disturbed).

After a discussion of the requirements of the RRP rules, Mr. Blackwell agreed to provide a list of homes that he had worked on over the past year, the scope of work at these homes as well as any explanation that would help in determining if these renovations would fall under the requirements of the RRP. Mr. Blackwell was given a 'Renovate Right' pamphlet and told where to obtain more information as well as register his company as a lead certified firm. Mr. Blackwell indicated that he would obtain his company certification and explore the requirements to become a certified renovator.

The inspection concluded with a brief explanation of the areas of concern as listed below and discussion of the next steps. The inspectors also provided a follow-up email detailing the information that was requested as well as links to the information covered during the inspections. The inspection concluded at approximately 11:25 AM.

Since the inspection, Mr. Blackwell has provided the information requested and the information is currently under review. Although the review is not complete at the time of this report, preliminary review indicates that Blackwell Construction performed renovations in at least one pre-1978 home during the time of interest. Mr. Blackwell has been very cooperative and has again expressed his intent to comply with the RRP moving forward.

Section III – AREAS OF CONCERN

- 1) Blackwell Construction performed work on at least 1 home that was built prior to 1978 and did not have the proper firm certification.
- 2) Blackwell Construction did not assign a lead certified renovator to projects in target housing.
- 3) Blackwell Construction did not provide the residents of pre-1978 homes notification of potential lead based paint (pamphlet).

Section IV – FOLLOW UP

Blackwell Construction has provided the information requested during the inspection.

Section V – LIST OF APPENDICES

Appendix 1 – NOI

Appendix 2 – Inspection Checklist

Appendix 1

Notice of Inspection



United States
Environmental Protection
Agency

United States

ENVIRONMENTAL PROTECTION AGENCY

Washington, DC 20460

Notice of Inspection

Office of Enforcement and Compliance Assurance

1. Investigation Identification

Date 3/20/24	Inspection Number 320-01	Daily Seq. Number 01
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3. Facility Name

Blackwell Construction

2. Inspector's Address

**EPA LG
1201 ELM
Dallas TX**

4. Facility Address

**3437 Wharton Dr,
Ft. Worth, TX 76133**

For Internal EPA Use. Copies may be provided to the recipient as acknowledgment of this notice.

Reason for Inspection

Under the authority of Section 11 of the Toxic Substances Control Act

For the purpose of inspecting (including taking samples, photographs, statements and other inspection activities) an establishment, facility or other premises in which chemical substances or mixtures, articles containing same are manufactured, processed, stored or held before or after their distribution in commerce (including records, files, papers, processes, control and facilities) and any conveyances being used to transport chemical substance, mixtures or articles containing same in connection with their distribution in commerce (including records, files, papers, processes, controls and facilities) bearing on whether the requirements of the Act are applicable to the chemical substances, mixtures or articles, within, or associated with, such premise or conveyance have been complied with.

☐ In addition, this inspection extends to (check appropriate blocks):

☐ A. Financial Data

☐ D. Personnel Data

☐ B. Sales Data

☐ E. Research Data

☐ C. Pricing Data

The nature and extent of inspection of such data specified in A through E above is as follows:

TSCA LDP RRP inspection

Inspector's
Signature

Name

Stan Lancaster

Recipient's
Signature

Name

Stephen S Blackwell

Stephen S Blackwell

Title

Inspector

Date

3/20/24

Title

Owner

Date

3-20-24

Appendix 2

Inspection Checklist



U.S. EPA

**Lead Renovation/Repair/Painting Compliance
Checklist – Property Management**
US ENVIRONMENTAL PROTECTION AGENCY
REGION 6, DALLAS, TX 75202
TOXIC SUBSTANCES CONTROL ACT
TITLE IV-LEAD HAZARD REDUCTION

Inspection Checklist		
EPA Inspector Name	Angela Hays	
EPA Inspector Telephone	214-665-2285	
EPA Inspector Email	Hays.angela@epa.gov	
Inspection Date	3/20/24	
Inspection Type:	RRP	
Inspection Location	HOME 3437 Wharton, FT WORTH	
Firm Information		
Company Name	STEVE BLACKWELL - BLACKWELL CONSTRUCTION	
Address	3437 Blackwell Wharton D.	
Contact Name	STEVE BLACKWELL	
Contact Telephone	817 294 3857 (C) 817 269 4116	
Contact Email	Steve Blackwell10916@SPXGLOBAL.NET	
Manager Name		
Manager Telephone		
Manager Email		
EPA Firm Certification Number	NONE	
	Y - N - N/A	Comments
Introduction & Purpose	Y	
Permission to enter granted	Y	
Permission to enter document signed	Y	
Facility/operator provided copy of entry document	Y	
Copy of Lead Base Paint Pamphlet provided	Y	

*No firm certification / no WPS
was aware of the RRP requirement
requested list of homes built prior to 1978 that he
performed work on in last 12 months*

The items identified in this inspection have the potential to incur civil penalties in the amount identified. Your firm has 90 days in which to submit proof that the items identified have been corrected. These deficiencies are of a serious nature and if left uncorrected could result in formal enforcement action. Your response should be submitted to:

Angela Hays
ECD-SR
US Environmental Protection Agency Region 6
1201 Elm Street
Dallas, TX 75270

Copy of inspection checklist and on-site report sent to:

Facility/Company Name: _____



U.S. EPA

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Print Name: _____

Date _____

Email: _____

RRP inspection

#	Reg Ref	Question	Y-N-N/A	Maj-Sig-Min	H-M-L	Potential Penalty
1	40 CFR § 745.87(c)	Did the company permit entry for inspection?	<i>Y</i>			
	Comments					
2	40 CFR § 745.87(c)	Did the company provide requested information and/or records during or after the inspection?	<i>Y</i>			
	Comments					
3	40 CFR § 745.87(c)	Is this company a licensed real estate brokerage firm? If so, provide state licensing number in comments.	<i>NA</i>			
	Comments					
4	40 CFR § 745.87(c)	Does this company manage target housing?	<i>NA</i>			
	Comments					
5	40 CFR § 745.87(c)	How many target housing properties does this company manage?	<i>NA</i>			
	Comments					
6	40 CFR § 745.87(c)	Are children under the age of 6 years living in any of these properties?	<i>TBD</i>			
	Comments					
7	40 CFR § 745.87(c)	Are pregnant women living in these properties?	<i>TBD</i>			
	Comments					
8	40 CFR § 745.87(c)	Has renovation/repair/painting work been performed on these properties?	<i>Y</i>			
	Comments					
9	40 CFR § 745.87(c)	Which properties had RRP work performed and when? See List	<i>N</i>			
	Comments					
10	40 C.F.R. § 745.84(a)(1)	Did the renovator or property manager provide the owner of the unit with the EPA-approved lead hazard information pamphlet?	<i>N</i>			
	Comments					
11	40 C.F.R. § 745.84(a)(2)	Did the renovator or property manager provide the adult occupant of the unit (if not the owner) with the				

No RRP Practices were being followed - MR BLACKWELL stated that he inspected in the past but was not aware of the requirements

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		EPA-approved lead hazard information pamphlet?				
	Comments					
12	40 C.F.R. § 745.84(b)(1)	In Common Areas, did the renovator or property manager provide the owner of the multi-family housing with the EPA-approved lead hazard information/pamphlet or to post informational signs?	NA			
	Comments					
13	40 C.F.R. § 745.84(b)(2)	In Common Areas, did the renovator or property manager notify in writing, or ensure written notification of, each unit of the multi-family housing and make the pamphlet available upon request prior to the start of the renovation, or to post informational signs?	NA			
	Comments					
14	40 C.F.R. § 745.84(c)(1)(i)	In renovation in Child-Occupied Facilities, did the renovator or property manager provide the owner of the building in which the child-occupied facility is located with the EPA-approved lead hazard information pamphlet?	NA			
	Comments					
15	40 C.F.R. § 745.84(c)(1)(ii)	In renovation in Child-Occupied Facility, did the renovator or property manager provide an adult representative of the child-occupied facility with the pamphlet, if the owner is not the operator of the child-occupied facility?	NA			
	Comments					
16	40 C.F.R. § 745.84(c)(2)	In renovation in a Child-Occupied Facility did the renovator or property manager provide the parents and/or guardians of children using the child-occupied facility with the pamphlet and information describing the general nature and locations of the renovation and the anticipated completion date, by mailing or hand-	NA			

Facility/Company Name: _____



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		delivering the pamphlet and renovation information, or by posting informational signs describing the general nature and locations of the renovation and the anticipated completion date, posted in areas where they can be seen by parents or guardians of the children frequenting the child-occupied facility, and accompanied by a posted copy of the pamphlet or information on how interested parents or guardians can review a copy of the pamphlet or obtain a copy from the renovation firm at no cost to the parents or guardians?				
	Comments					
17	40 C.F.R. § 745.85 (1).	For all renovations, did the renovator or property management firm 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/or 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?				
	Comments					
18	40 CFR § 745.84(a)(1)(i)	Did the firm establish and maintain records and make those records available during the inspection?				
	Comments					
19	40 CFR § 745.84(a)(1)(i)	Did the firm receive written acknowledgement from the owner for receipt of a lead education pamphlet?				
	Comments					
20	40 CFR § 745.84(a)(2)(i)	Did the firm receive written acknowledgement from an adult				

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		occupant, of/for a lead education pamphlet?				
	Comments					
21	40 C.F.R. § 745.84(a)(2)	Did the firm provide the adult occupant of the unit (if not the owner) with the EPA-approved lead hazard information pamphlet?				
	Comments					
22	40 C.F.R. § 745.84(b)(1)	Did the renovator provide the owner of the multi-family housing with the EPA-approved lead hazard information/pamphlet or to post informational signs?				
	Comments					
23	40 C.F.R. § 745.84(b)(2)	Did the renovator notify in writing, or ensure written notification of, each unit of the multi-family housing and make the pamphlet available upon request prior to the start of the renovation, or to post informational signs?				
	Comments					
24	40 C.F.R. § 745.84(c)(1)(i)	Did the renovator provide the owner of the building in which the child-occupied facility is located with the EPA-approved lead hazard information pamphlet?				
	Comments					
25	40 C.F.R. § 745.84(c)(1)(ii)	Did the renovator or owner provide an adult representative of the child-occupied facility with the pamphlet, if the owner is not the operator of the child-occupied facility?				
	Comments					
26	40 C.F.R. § 745.84(c)(2)	Did the renovator or owner provide the parents and/or guardians of children using the child-occupied facility with the pamphlet and information describing the general nature and locations of the renovation and the anticipated completion date, by mailing or hand-delivering the pamphlet and renovation information, or by posting informational signs				

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		describing the general nature and locations of the renovation and the anticipated completion date, posted in areas where they can be seen by parents or guardians of the children frequenting the child-occupied facility, and accompanied by a posted copy of the pamphlet or information on how interested parents or guardians can review a copy of the pamphlet or obtain a copy from the renovation firm at no cost to the parents or guardians?				
	Comments					
27	40 C.F.R. § 745.85 (1)	Did the renovator or property management firms 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/or 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?				
	Comments					
28	40 C.F.R. § 745.84(a)(1)	During the renovation did the renovator obtain, from the owner, a written acknowledgment that the owner has received the pamphlet, pursuant to 40 C.F.R. § 745.84(a)(1)(i) or failure to obtain a certificate of mailing at least 7 days prior to the renovation?				
	Comments					
29	40 C.F.R. § 745.84(a)(2)	During the renovation did the renovator obtain, from the adult occupant, a written acknowledgment that the adult occupant has received the pamphlet, pursuant to 40 C.F.R. § 745.84(a)(2)(i) or failure to obtain a				

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		certificate of mailing at least 7 days prior to the renovation?				
	Comments					
30	40 C.F.R. § 745.84(b)(1)(i) 40 C.F.R. § 745.84(b)(1)	During the renovation in Common Areas, did the renovator obtain, from the owner, a written acknowledgment that the owner had received the pamphlet, or that information signs had been posted, or they had obtained a certificate of mailing at least 7 days prior to the renovation?				
	Comments					
31	40 C.F.R. § 745.84(b)(3)	During the renovation in Common Areas, did the renovator prepare, sign, and date a statement describing the steps performed to notify all occupants of the intended renovation activities and offer to provide the pamphlet?				
	Comments					
32	40 C.F.R. § 745.84(b)(4)	During the renovation in Common Areas, did the renovator notify, in writing, the owners and occupants of the scope, locations or expected starting and ending dates of the planned renovation activities, before the renovator initiated work beyond that which was described in the original notice?				
	Comments					
33	40 C.F.R. § 745.84(c)(1)(i)	During renovation in a Child-Occupied Facility, did the renovator obtain, from the owner of the building, a written acknowledgment that the owner had received the pamphlet, or obtained a certificate of mailing at least 7 days prior to beginning the renovation?				
	Comments					
34	40 C.F.R. § 745.84(c)(1)(ii)	During renovation in Child-Occupied Facility, did the renovator obtain from an adult representative of the child-occupied facility, if the operator of the child-occupied facility is not the				

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		owner of the building, a written acknowledgment that the operator had received the pamphlet, or obtained a certificate of mailing at least 7 days prior to beginning the renovation?				
	Comments					
35	40 C.F.R. § 745.84(c)(3)	During renovation in Child-Occupied Facility, did the renovator prepare, sign and date a statement describing the steps performed to notify all parents and guardians of the intended renovation activities and to provide the pamphlet?				
	Comments					
36	40 C.F.R. § 745.84(d)(1)	During all renovations, did the renovator include a statement recording the owner or occupant's name and acknowledgement of receipt of the pamphlet prior to the start of the renovation, the address of the unit undergoing renovation, the signature of the owner or occupant as applicable, and the date of signature?				
	Comments					
37	40 C.F.R. § 745.84(d)(2) and (3)	During all renovations, did the renovator provide written acknowledgment of receipt of the pamphlet on either a separate sheet or as part of any written contract or service agreement for the renovation, and written in the same language as the text of the contract or agreement or lease or pamphlet?				
	Comments					
38	40 C.F.R. § 745.86	During all Renovations, did the renovator or property manager retain all records necessary to demonstrate compliance with the residential property renovation for a period of 3 years following completion of the renovation activities?				
	Comments					
39	40 C.F.R. § 745.225 (i)	During all Renovations, did the renovator, or property manager				

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		implement a program to maintain and make available to EPA upon request, records for a period of 3 years and 6 months?				
	Comments					
40	40 C.F.R. § 745.225, 745.226, 745.227, 40 C.F.R. § 745.235 (b)	In Target Housing and Child-occupied Facilities, did the owner, renovator, or property manager establish, maintain, provide, copy, or permit access to records or reports?				
	Comments					
Penalty Amount:						

Target Housing

Major = one or more occupants under age 6 and/or pregnant woman

Significant = no information about age of the youngest occupant, or one or more occupants between ages of 6 and 17

Minor = no occupants under age 18

Child Occupied Facility

Major = one or more occupants under age 6 (by definition, a child-occupied facility is regularly visited by one or more children under 6)

Minor = renovation activities were completed during a period when children did not access the facility (e.g., as summer vacation) and there is no continuity of enrollment (i.e., the same children are not returning after the break).

Facility/Company Name: _____