



REGION 7

LENEXA, KS 66219

VIA ELECTRONIC TRANSMITTAL

RETURN RECEIPT REQUESTED

imberk@inlink.com

Ira Berkowitz
Registered Agent for Central PM STL, LLC
500 N. Skinner Blvd.
St. Louis, MO 63130

Re: Notice of Potential Violation and Opportunity to Confer
Toxic Substances Control Act
In the Matter of Central PM STL, LLC

Dear Ira Berkowitz:

Lead is a highly toxic substance and presents significant environmental and health concerns. Lead poisoning in children is a common, yet preventable, environmental health problem in the United States. Lead poisoning can result in a variety of negative health effects including reduced intelligence quotient, reading and learning disabilities, impaired hearing, reduced attention span, hyperactivity and behavior problems, and in severe cases, coma and death. The main sources of lead are found in residences built before 1978 and include deteriorating paint, lead dust, and soil. The Toxic Substances Control Act Lead-Based Paint Renovation, Repair and Painting Rule addresses lead-based paint hazards created by renovation, repair, and painting activities that disturb lead-based paint in target housing and child occupied facilities built before 1978.

On July 28, 2022, the EPA was denied access to conduct an inspection of Central PM STL, LLC's ("Central PM") worksite and records. On August 11-12, 2022, and October 27, 2022, the EPA conducted inspections of Central PM's and its subcontractors' worksite and records. These inspections were conducted to determine the compliance status of Central PM with the requirements of TSCA. The EPA has completed its review of the information collected and alleges that Central PM STL, LLC is in violation of the following requirements of TSCA:

- 40 C.F.R. § 745.87(c) - Failure or refusal to permit entry or inspection. Denying an EPA inspection prevents EPA inspectors from determining an entity's compliance with the RRP regulations.
- 40 C.F.R. §§ 745.81(a)(2)(ii) and 745.89(a)(1) - Failure of a firm that performs, offers, or claims to perform renovations or dust sampling for compensation to obtain initial certification.

Certification demonstrates that the firm acknowledges its responsibility to use appropriately trained and certified employees and to follow lead-safe work practices during renovation.

- 40 C.F.R. § 745.89(d)(2) - Failure of a firm to assign a certified renovator. Firms that fail to assign a certified renovator to a renovation increases the likelihood that persons present during the renovation may be unknowingly exposed to lead contamination.
- 40 C.F.R. § 745.85(a)(1) - Failure by the renovation 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. Without warning signs, occupants and other persons unfamiliar with renovation activities may be exposed to lead contamination resulting from the project.
- 40 C.F.R. § 745.85(a)(2)(i)(D) - Failure 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. Dust and debris may contaminate the floor and other areas in and outside of the target home.
- 40 C.F.R. § 745.85(a)(4)(i) - Failure by the renovation firm to contain waste from renovation activities to prevent releases of dust and debris before the waste is removed from the work area for storage or disposal. Dust and debris that is not containerized before removal from the work area may contaminate areas both on and off the property and pose risk to occupants or other persons.

The EPA's primary concern is your company's return to full compliance as expeditiously as possible. The EPA also believes that these violations are significant enough to warrant the assessment of a civil penalty.

By this letter, the EPA invites Central PM to negotiate a fair resolution of this matter – either in person, via conference call, or in writing – prior to the Agency filing a civil complaint. If you choose to participate in negotiations, the parties will discuss the following during our initial meeting:

- The EPA's allegations.
- What efforts, if any, are necessary for your company to return to compliance.
- The proposed penalty and how the EPA calculated it.
- Opportunities for mitigating the proposed penalty, including your company's ability to pay.
- Supplemental Environmental Projects: SEPs are environmentally beneficial projects to be completed voluntarily by your company that may be considered in calculating the proposed penalty settlement.
- Options and next steps for resolving this matter.
- Any facts or issues your company wants the EPA to know regarding this matter.

Enclosed are "Additional Sources of Information" describing EPA's enforcement and settlement authorities as well as resources for parties to an EPA enforcement action.

EPA generally provides a period of 60 days to reach settlement before considering more formal enforcement options.

If your company is interested in participating in negotiations, please contact Adam Hilbert in EPA Region 7's Office of Regional Counsel at (913) 551-7113 or hilbert.adam@epa.gov or Mary Woodruff in EPA Region 7's Enforcement and Compliance Assurance Division at (913) 551-7056 or woodruff.mary@epa.gov within **10 calendar days** of receipt of this letter. If you do not contact the EPA to participate in negotiations, the Agency may proceed with the filing of a civil complaint to resolve the matter.

Your prompt attention to this matter is greatly appreciated.

Sincerely,

DAVID
COZAD

Digitally signed by DAVID
COZAD
Date: 2024.11.14
15:39:30 -06'00'

David Cozad
Director
Enforcement and Compliance Assurance Division

Additional Sources of Information

- Information on lead and the EPA's lead-based paint regulations <https://www.epa.gov/lead>
- Consolidated Enforcement Response and Penalty Policy for the Pre-Renovation Rule; Renovation, Repair and Painting Rule; and Lead-Based Paint Activities Rule <https://www.epa.gov/sites/production/files/2014-01/documents/revisedconsolidated-erppenaltypolicy4513.pdf>
- Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties, 40 C.F.R. Part 22: these are regulations describing EPA's administrative settlement and litigation authorities:
<https://www.epa.gov/enforcement/consolidated-rules-practice-40-cfr-part-22-administrative-assessment-civil-penalties-1>
- Information on Small Businesses and Enforcement: This resource provides an array of resources to help small businesses understand and comply with federal and state environmental laws:
<https://www.epa.gov/compliance/small-business-resources-information-sheet>
- "Using All Appropriate Injunctive Relief Tools in Civil Enforcement Settlements," April 26, 2021: This guidance discusses various policy and legal tools that may be applied in enforcement settlements:
<https://www.epa.gov/enforcement/using-all-appropriate-injunctive-relief-tools-civil-enforcement-settlements>
- Information on Supplemental Environmental Projects:
<https://www.epa.gov/enforcement/supplemental-environmental-projects-seps>