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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY REGIONAL HEARING CLERK
REGION 6 EPA REGION 6
1201 Elm Street, Suite 500
Dallas, Texas 75270

In the Matter of	§	
	§	
Sardone McLain Construction,	§	Docket No. TSCA-06-2025-6178
	§	
	§	
Respondent.	§	

EXPEDITED SETTLEMENT AGREEMENT AND FINAL ORDER

1. The U.S. Environmental Protection Agency, Region 6 (EPA) alleges that Sardone McLain Construction (Respondent), has violated Section 409 of the Toxic Substances Control Act (TSCA), 15 U.S.C. § 2689, by failing to comply with the regulatory requirements of 40 C.F.R. Part 745, Subpart E, Lead-Based Paint Renovation Repair and Painting Rule (RRP Rule).

2. The EPA is authorized to enter into this Expedited Settlement Agreement (ESA) for the assessment of civil penalties initiated pursuant to Section 16(a) of TSCA, 15 U.S.C. § 2615(a). This action is simultaneously commenced and concluded pursuant to Rules 22.13(b) and 22.18(b)(2) of the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits, 40 C.F.R. §§ 22.13(b) and 22.18(b)(2).

Alleged Violations

3. Pursuant to 40 C.F.R. § 745.81(a)(2)(ii), "On or after April 22, 2010, no firm may perform, offer, or claim to perform renovations without certifications from EPA under § 745.89 in target housing or child-occupied facilities, unless the renovations qualify for one of the exceptions identified in § 745.82(a) or (c)." Respondent failed to obtain EPA certification under 40 C.F.R. § 745.89.

4. Pursuant to 40 C.F.R. § 745.89(d)(2), "A certified renovator is assigned to each renovation performed by the firm and discharges all of the certified renovator responsibilities identified in § 745.90." Respondent failed to assign a certified renovator to each renovation of target-housing as required by 40 C.F.R. § 745.82(d)(2).

5. Pursuant to 40 C.F.R. § 745.84(a)(1), "No more than 60 days before beginning renovation activities in any residential dwelling unit of target housing, the firm performing the renovation must: Provide the owner of the unit with the [Renovate Right] pamphlet..."

Respondent failed to timely provide the owner of the unit with the Renovate Right pamphlet as required by 40 C.F.R. § 745.84(a)(1).

6. Pursuant to 40 C.F.R. § 745.86(a), "Firms performing renovations must retain and, if requested, make available to EPA all records necessary to demonstrate compliance with this subpart for a period of 3 years following completion of the renovation. This 3-year retention requirement does not supersede longer obligations required by other provisions for retaining the same documentation, including any applicable State or Tribal laws or regulations." The Respondent failed to maintain records demonstrating compliance with the Lead Renovation, Repair and Painting Program rule as required by 40 C.F.R. § 745.86(a).

Settlement

7. The EPA and Respondent agree that settlement of this matter for a civil penalty of Three Thousand Dollars (\$3,000) is in the public interest.

8. Not more than thirty (30) calendar days after the effective date of the Final Order, Respondent shall deposit the civil penalty amount of Three Thousand Dollars (\$3,000) by certified or cashier's check made payable to the "United States Treasury", with reference to the EPA Docket Number TSCA-06-2025-6178, and sent to:

U.S. Environmental Protection Agency
Fines and Penalties
Cincinnati Finance Center
P. O. Box 979077
St. Louis, MO 63197-9000

or by alternate payment method described at <http://www.epa.gov/financial/makepayment>.

9. Respondent shall forward, by electronic mail, a copy of the payment with a certification that, regarding the violations alleged herein, Respondent is in compliance with the *Lead-Based Paint Disclosure Rule* to:

Lorena S. Vaughn
Regional Hearing Clerk
U.S. Environmental Protection Agency, Region 6
1201 Elm Street, Suite 500 (ORC)
Dallas, Texas 75270-2102
vaughn.lorena@epa.gov; and

Angela Hays
Enforcement and Compliance Assurance Division
Toxics Enforcement Section
U.S. Environmental Protection Agency, Region 6

1201 Elm Street, Suite 500 (ECDST)
Dallas, Texas 75270-2101
hays.angela@epa.gov

10. In signing this Agreement, Respondent: (a) admits that Respondent is subject to the requirements in Paragraphs 3 through 6, above; (b) admits that EPA has jurisdiction over Respondent and Respondent's conduct as alleged herein; (c) neither admits nor denies the factual allegations contained herein; (d) consents to the assessment of this penalty; and (e) waives any and all remedies, claims for relief and other available rights to judicial or administrative review Respondent may have with respect to any issue of fact or law set forth in this ESA, including the opportunity for a hearing or appeal pursuant to TSCA and 40 C.F.R. Part 22 and any right of judicial review under Chapter 7 of the Administrative Procedure Act, 5 U.S.C. §§ 701 -706.

11. By its signature below, Respondent certifies, subject to civil and criminal penalties for making a false submission to the United States Government, that Respondent: (a) has corrected the alleged violation and is in compliance with the regulations at 40 C.F.R. Part 745; (b) agrees to provide payment of the civil penalty set forth above; (c) agrees to submit a true and accurate proof of payment of said civil penalty as set forth in above; and (d) agrees to release said payment to EPA upon entry of the Final Order attached hereto.

12. Upon the effective date of this Agreement and subsequent payment of the civil penalty, Respondent shall only be resolved of liability for federal civil penalties for the violations and facts alleged herein.

13. No portion of the civil penalty or interest paid by Respondent pursuant to the requirements of this Agreement shall be claimed by Respondent as a deduction for federal, state, or local income tax purposes.

14. This Agreement does not affect the rights of EPA or the United States to pursue appropriate injunctive relief or other equitable relief or criminal sanctions for any violations of law. EPA reserves its rights to take enforcement action for any other violations by Respondent of TSCA, any other federal statute or regulation, or this Agreement.

15. Failure to pay the assessed penalty may result in the referral of this matter to the United States Department of Justice for collection of the amount due plus stipulated penalties and interest at the statutory judgment rate provided in 28 U.S.C. § 1961.

16. Each party shall bear its own costs and fees, if any.

17. This Agreement, authorized by EPA's execution of the Final Order attached hereto, constitutes a final order under 40 C.F.R. Part 22.

18. This Agreement is binding on the parties signing below, and in accordance with 40 C.F.R. § 22.31(b), is effective upon filing.

19. The EPA and Respondent agree to the use of electronic signatures for this matter. The EPA and Respondent further agree to electronic service of this ESA, pursuant to 40 C.F.R. § 22.6, by email to the following addresses:

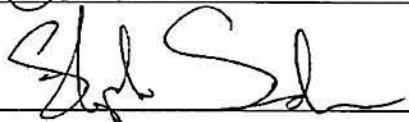
To EPA: Cavazos.Christyn@epa.gov

To Respondent: Bryan@sardonemclain.com
Stephan@sardonemclain.com

FOR THE RESPONDENT:

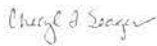
Name (print): Stephan Sardone

Title (print): Co-OWNER

Signature: 

Date: 4/24/25

FOR THE EPA:



Digitally signed by
CHERYL SEAGER
Date: 2025.04.29
14:44:17 -05'00'

Date: April 29, 2025

Cheryl T. Seager
Director
Enforcement and
Compliance Assurance Division
U.S. EPA, Region 6

FINAL ORDER

Pursuant to the authority of Section 16 of Toxic Substances Control Act, 15 U.S.C. § 2615, and according to the terms of this Agreement, IT IS HEREBY ORDERED THAT:

1. Respondent shall comply with all terms of the Expedited Settlement Agreement;
2. Respondent is assessed a civil penalty of Three Thousand Dollars (\$3,000); and
3. Respondent shall make payment of the civil penalty in accordance with the payment provisions set forth in the Expedited Settlement Agreement.

This Agreement shall be effective upon the filing of the Final Order by the Regional Hearing Clerk for the EPA, Region 6. Unless otherwise stated, all time periods stated herein shall be calculated in calendar days from such date.

IT IS SO ORDERED.

Rucki,
Thomas

Digitally signed by Rucki,
Thomas
Date: 2025.04.29
19:26:57 -04'00'

Thomas Rucki
Regional Judicial Officer
U.S. EPA, Region 6

Date: _____

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing Expedited Settlement Agreement was filed with me, the Regional Hearing Clerk, U.S. EPA - Region 6, 1201 Elm Street, Suite 500, Dallas, Texas 75270-2102, and that I sent a true and correct copy on this day in the following manner to the email addresses:

Copy via Email to Complainant, EPA:

Cavazos.Christyn@epa.gov

Copy via Email to Respondent:

Stephan@sardonemclain.com

Bryan@sardonemclain.com

**LORENA
VAUGHN**

Digitally signed by
LORENA VAUGHN
Date: 2025.04.30
11:08:07 -05'00'

**Regional Hearing Clerk
U.S. EPA, Region 6**