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Lead-Based Paint Enforcement: U.S. Environmental Protection Agency and Real Property Redeveloper Enter Into Consent Agreement Final Order Addressing Alleged Violations of the Lead-Based Paint Renovation, Repair and Painting Rule

Arkansas Environmental, Energy, and Water Law Blog

04/13/2016

The United States Environmental Protection Agency ("EPA") and a company redeveloping properties entered into an April 6th Consent Agreement Final Order ("Consent Agreement") addressing alleged violations of the Lead-Based paint Renovation, Repair and Painting Rule ("RRP Rule") found at 40 C.F.R. Part 745, Subpart E. See Docket No. TSCA-07-2016-0002

The Consent Agreement alleges that Garcia Development Corporation ("Garcia") is:

... a real property developer that purchases, renovates, and resales single- and multi-family residential commercial properties. Depending on the extent of renovations required at a particular property, Respondent's renovation activities are performed either by Respondent's employees or by sub-contracting demolition and renovation firms. At all properties and at all times relevant to the violations alleged in this CAFO, Respondent's renovation activities were performed by Respondent's employees.

The Consent Agreement states that EPA conducted an inspection of Garcia's renovation records on August 18th including those associated with certain properties in St. Louis that were:

- Constructed before 1978
- Constituted "Target Housing"
- Involved activities performed by Garcia at the referenced properties which consisted of "renovations" as defined by C.F.R. § 745.83, for compensation

The Consent Agreement alleges that Garcia:

- ... failed to apply for and obtain EPA certification prior to commencing renovations for compensation on the property located at 3447 Humphrey Street in St. Louis, Missouri as required by 40 C.F.R. §§ 745.81(a)(2)(i) and 745.89(a)(1)

- ... failed to retain all records necessary to demonstrate compliance with the RRP Rule for a period of three years following completion of the renovation at 3831 Wyoming Street in St. Louis, Missouri as required by 40 C.F.R. § 745.86(a)
- ... failed to obtain all records necessary to demonstrate compliance with the RRP Rule for a period of three years following completion of the renovation at 3836 Hartford Street in St. Louis, Missouri as required by 40 C.F.R. § 745.86(a)

Garcia neither admits nor denies the factual allegations in the Consent Agreement.

The Consent Agreement assesses a civil penalty of \$11,550.00

[Click here to download a copy of the Consent Agreement.](#)