

Renovation, Repair and Painting Rule Enforcement Update

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Fiscal Year 2017 Enforcement Overview

- ▶ FY 2017 was a productive year for federal lead paint law enforcement both nationally and in the New England Region.
- ▶ Nationwide, EPA settled 121 cases with federal lead paint law violations. More than \$1 million in fines assessed.
- ▶ In New England, 10 settlements involving violations of federal lead paint rules, 9 of which were either entirely or partially RRP cases. 17 informal actions issued.
- ▶ Penalties of \$296,000 were assessed in New England.

2017 New England Lead-Paint Enforcement Highlights

- ▶ A property management company in New Haven paid a fine of \$12,139 and is spending \$109,246 on a lead abatement SEP to settle alleged RRP and lead-paint disclosure violations.
- ▶ A property owner and management company in Manchester, New Hampshire paid a fine of \$145,346 to settle alleged RRP and lead-paint disclosure violations.
- ▶ Another property owner and management company in Manchester paid a fine of \$90,461 to settle alleged RRP and lead-disclosure violations.
- ▶ A Rhode Island property owner paid a fine of \$7,300 and spent \$65,000 on a lead abatement SEP to settle alleged lead-paint disclosure violations.

Nashua, New Hampshire Place-Based Initiative

- ▶ In FY 2015, Region 1 conducted an enforcement initiative in Nashua.
- ▶ Pre-inspection mailing to over 300 regulated entities to inform them of the initiative and lead paint laws.
- ▶ Total of 39 lead inspections, 21 of which were RRP Rule inspections.
- ▶ 3 formal enforcement actions, 23 informal actions.

Lewiston-Auburn Enforcement Initiative

- ▶ In FY 2016, Region 1 conducted an enforcement initiative in Lewiston/Auburn, Maine.
- ▶ 40 inspections were completed.
- ▶ Pre-inspection mailing to approximately 400 entities to inform them of the initiative and lead-paint laws.
- ▶ Six enforcement actions pending.
- ▶ Initiative included lead in drinking water (outreach to Auburn Water District and Superintendent of Schools).

RCRA 7003 Order and Follow-up Enforcement Addressed Lead-Based Paint Contamination in Manchester, NH

- ▶ June 2015, unilateral order issued under Section 7003 of RCRA to address lead dust and lead-based paint contamination at a residential property in Manchester, NH owned by Brady Sullivan Properties.
- ▶ Approximately 98 units and common areas affected.
- ▶ Contamination resulted from sandblasting by a contractor on lower level of the property.
- ▶ The contamination was abated/cleaned up in 2015 and 2016.
- ▶ In FY 2017, EPA followed up with enforcement actions for alleged RRP and 1018 violations. Penalty of \$90,461 paid.

Supplemental Environmental Projects

- ▶ Some lead settlements include Supplemental Environmental Projects (SEPs) that consist of lead abatement activities performed by respondents in lieu of paying a portion of the fine.
- ▶ Examples: Welsh Realty (NH) \$31,500 SEP; Pike International (CT) \$109,246 SEP; and 5 MF Holding (RI) \$65,700 SEP. Windows and other components containing lead-based paint are replaced or encapsulated. Pursuant to EPA policy, these projects must be performed by a lead abatement contractor.

EPA Microbusiness Policy and Expedited Settlement Policy

- ▶ In 2012, EPA initiated a Microbusiness Pilot to address RRP Rule enforcement actions against small businesses earning \$300,000 or less.
- ▶ Allows for significantly reduced penalties and expedited settlements.
- ▶ The pilot was extended through FY 17.
- ▶ 2015 Expedited Settlement Policy allows for reduced penalties for violations not involving work practices and where children are not involved.

Region 1 Inspections

- ▶ 31 inspections conducted in FY 17
- ▶ In addition to placed-based initiatives, most inspections are based on tips and complaints.
- ▶ EPA inspections take place in CT, ME, NH and VT.
- ▶ RRP program is delegated in MA and RI.

FY 2018 enforcement

- ▶ Tips and Complaints
- ▶ Referrals from states
- ▶ Anticipate place-based initiative for NH/Maine seacoast area

Enforcement Challenges

- ▶ Small businesses
- ▶ Difficult to catch businesses in the act
- ▶ Ability to pay issues