



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

JAN - 5 2016

REPLY TO THE ATTENTION OF:

LC-8J

CERTIFIED MAIL 7011 1150 0000 2640 2273
RETURN RECEIPT REQUESTED

Mr. Ayman Assaf
CFO
Zidan Management Group, Inc.
8310 Craig Street
Indianapolis, Indiana 46250

Consent Agreement and Final Order In the Matter of:
Zidan Management Group, Inc., Docket No. TSCA-05-2016-0004

Dear Mr. Assaf:

Enclosed please find a copy of a fully executed Consent Agreement and Final Order (CAF) in Resolution of the above case. This document was filed on January 5, 2016 with the Regional Hearing Clerk.

The civil penalty is the amount of \$3,675 is to be paid in the manner described in paragraphs 42 and 43. Please be certain that the docket number is written on both the transmittal letter and on the check.

Thank you for your cooperation in resolving this matter.

Sincerely,

Pamela Grace
Pesticides and Toxic Compliance Section

Enclosure

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5**

In the Matter of:

**Zidan Management Group, Inc.
Indianapolis, Indiana**

Respondent

) **Docket No. TSCA-05-2016-0004**
)
)
)
) **Proceeding to Assess a Civil Penalty**
) **Under Section 16(a) of the Toxic Substances**
) **Control Act, 15 U.S.C. § 2615(a)**
)
)



Consent Agreement and Final Order

Preliminary Statement

1. This is an administrative action commenced and concluded under Section 16(a) of the Toxic Substances Control Act (TSCA), 15 U.S.C. § 2615(a), and the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits (Consolidated Rules), as codified at 40 C.F.R. Part 22.
2. The Complainant is, by lawful delegation, the Director of the Land and Chemicals Division, United States Environmental Protection Agency (EPA), Region 5.
3. Respondent is Zidan Management Group, Inc., with a place of business located at 8310 Craig Street, Indianapolis, Indiana 46250.
4. Where the parties agree to settle one or more causes of action before the filing of a complaint, the administrative action may be commenced and concluded simultaneously by the issuance of a consent agreement and final order (CAFO). 40 C.F.R. § 22.13(b).
5. The parties agree that settling this action without the filing of a complaint or the adjudication of any issue of fact or law is in their interest and in the public interest.

6. Respondent consents to the assessment of the civil penalty specified in this CAFO, the requirements to perform the Supplemental Environmental Project (SEP) specified in this CAFO, and to the terms of this CAFO.

Jurisdiction and Waiver of Right to Hearing

7. Respondent admits the jurisdictional allegations in this CAFO and neither admits nor denies the general allegations in this CAFO.

8. Respondent waives its right to request a hearing as provided at 40 C.F.R. § 22.15(c), any right to contest the allegations in this CAFO, and its right to appeal this CAFO.

Statutory and Regulatory Background

9. In promulgating the Residential Lead-Based Paint Hazard Reduction Act of 1992 (Title X), Pub. L. 102-550, 106 Stat. 3897 (codified in scattered sections of 15 U.S.C. and 42 U.S.C.), Congress found, among other things, that low-level lead poisoning is widespread among American children, afflicting as many as 3,000,000 children under the age of 6; at low levels, lead poisoning in children causes intelligence deficiencies, reading and learning disabilities, impaired hearing, reduced attention span, hyperactivity, and behavior problems; and the ingestion of household dust containing lead from deteriorating or abraded lead-based paint is the most common cause of lead poisoning in children. A key component of the national strategy to reduce and eliminate the threat of childhood lead poisoning is to educate the public concerning the hazards and sources of lead-based paint poisoning and steps to reduce and eliminate such hazards.

10. Section 1021 of the Residential Lead-Based Paint Hazard Reduction Act of 1992 amended TSCA, 15 U.S.C. § 2601 *et seq.*, by adding Title IV – Lead Exposure Reduction.

11. Section 402(c) of TSCA, 15 U.S.C. § 2682(c), requires the Administrator of EPA to promulgate regulations for the certification of contractors engaged in renovation or remodeling activities in target housing, public buildings constructed before 1978, and commercial buildings, and for standards in conducting those renovation and remodeling activities.

12. On April 22, 2008, EPA promulgated regulations governing renovations performed for compensation in target housing and child-occupied facilities at 40 C.F.R. Part 745, Subpart E, Lead; Renovation, Repair, and Painting Program; Lead Hazard Information Pamphlet (RRP Rule) pursuant to 15 U.S.C. §§ 2682, 2686, and 2687.

13. The RRP Rule requires that firms and individuals performing renovation of target housing for compensation be certified, 40 C.F.R. §§ 745.81 and 745.89, and that renovation work conform to certain work practice standards, 40 C.F.R. § 745.85.

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

15. On or after July 6, 2010, all renovations must be performed in accordance with the work practice standards in 40 C.F.R. § 745.85 in target housing or child-occupied facilities, unless the renovation qualifies for the exception identified in 40 C.F.R. § 745.82(a). 40 C.F.R. § 745.81(a)(4)(ii).

16. 40 C.F.R. § 745.83 defines *firm* to mean a company, partnership, corporation, sole proprietorship, or individual doing business, association, or other business entity; a Federal, State, Tribal, or local government agency; or a nonprofit organization.

17. 40 C.F.R. § 745.83 defines *renovation* to mean the modification of any existing structure, or portion thereof, that results in the disturbance of painted surfaces, unless that activity is performed as part of an abatement as defined by this part (40 C.F.R. § 745.223). The term renovation includes (but is not limited to): the removal, modification or repair of painted surfaces or painted components (e.g., modification of painted doors, surface restoration, window repair, surface preparation activity (such as sanding, scraping, or other such activities that may generate paint dust)); the removal of building components (e.g., walls, ceilings, plumbing, windows); weatherization projects (e.g., cutting holes in painted surfaces to install blown-in insulation or to gain access to attics, planning thresholds to install weather stripping), and interim controls that disturb painted surfaces.

18. 40 C.F.R. § 745.83 defines *renovator* to mean an individual who either performs or directs workers who perform renovations. A certified renovator is a renovator who has successfully completed a renovator course accredited by EPA or an EPA-authorized State or Tribal program.

19. 40 C.F.R. § 745.103 defines *target housing* to mean any housing constructed prior to 1978, except housing for the elderly or persons with disabilities (unless any child who is less than 6 years of age resides or is expected to reside in such housing) or any zero-bedroom dwelling.

20. 40 C.F.R. § 745.83 defines *work area* to mean the area that the certified renovator establishes to contain the dust and debris generated by a renovation.

21. Under 15 U.S.C. § 2689 and 40 C.F.R. § 745.87(a), failing or refusing to comply with the RRP Rule violates Section 409 of TSCA, 15 U.S.C. § 2689, which may subject the

violator to administrative civil penalties under Section 16(a) of TSCA, 15 U.S.C. § 2615(a) and 40 C.F.R. § 745.87(d).

22. Section 16 of TSCA, 15 U.S.C. § 2615, authorizes the EPA Administrator to assess a civil penalty of up to \$25,000 for each violation of Section 409 of TSCA, 15 U.S.C. § 2689. Each day that such a violation continues constitutes a separate violation of Section 409 of TSCA, 15 U.S.C. § 2689. The Debt Collection Improvement Act of 1996, 31 U.S.C. § 3701, and its implementing regulations at 40 C.F.R. Part 19, increased these statutory maximum penalties to \$37,500 for violations that occurred after January 12, 2009.

General Allegations

23. Complainant incorporates paragraphs 1 through 22 of this Complaint as if set forth in this paragraph.

24. During 2013, Respondent was a for-profit domestic corporation registered in the State of Indiana.

25. Therefore, Respondent was a *firm* as defined by 40 C.F.R. § 745.83.

26. Respondent manages a complex of apartment units known as Candlewyck Apartments located at 100 East Candlewyck Drive, Kalamazoo, Michigan 49001.

27. Respondent performed, or directed workers who performed, modifications of existing structures that resulted in disturbances of painted surfaces as detailed below:

Target Housing

Housing Address	Year Built	Contracted Work	Date(s) Work Performed
135 East Candlewyck, Apt. # 219, Kalamazoo, Michigan	Pre-1978	Replacement of patio glass door	September 26-27, 2012

28. The housing, addressed above, was residential housing.

29. The residential housing was built prior to 1978.

30. Therefore, the residential housing was *target housing* as defined at 40 C.F.R. § 745.103.

31. The Contracted Work was a *renovation* as defined at 40 C.F.R. § 745.103.

Count 1

32. Complainant incorporates paragraphs 1 through 31 of this Complaint as if set forth in this paragraph.

33. Under the RRP Rule, on or after April 22, 2010, no firm may perform, offer, or claim to perform renovations without certification from EPA under 40 C.F.R. § 745.89 in target housing or child occupied facilities, unless the renovation qualifies for one of the exceptions identified in 40 C.F.R. § 745.82(a) or (c). 40 C.F.R. § 745.81(a)(2)(ii).

34. On September 26-27, 2012, Respondent performed renovation activities in the target housing described in paragraph 27.

35. On September 26-27, 2012, Respondent was not certified by EPA to perform renovation activities in target housing and/or child-occupied facilities.

36. Respondent's performance of renovations in target housing without certification from EPA constitutes a violation of 40 C.F.R. § 745.81(a)(2)(ii), 40 C.F.R. § 745.89(a), and 15 U.S.C. § 2689.

Count 2

37. Complainant incorporates paragraphs 1 through 31 of this Complaint as if set forth in this paragraph.

38. Under the RRP Rule, before conducting renovation activities in target housing, the renovation firm must cover the floor surface, including installed carpet, with taped-down plastic

sheeting or other impermeable material in the work area 6 feet beyond the perimeter of surfaces undergoing renovation or a sufficient distance to maintain the dust, whichever is greater. 40 C.F.R. § 745.85(a)(2)(i)(D).

39. Respondent failed to cover the floor surface, including installed carpet, with taped-down plastic sheeting or other impermeable material in the work area 6 feet beyond the perimeter of surfaces undergoing renovation or a sufficient distance to maintain the dust, whichever is greater, for the renovation activities in the target housing described in paragraph 27.

40. Respondent's performance of renovation activities in target housing without covering the floor surface, including installed carpet, with taped-down plastic sheeting or other impermeable material in the work area 6 feet beyond the perimeter of surfaces undergoing renovation or a sufficient distance to maintain the dust, whichever is greater, constitutes a violation of 40 C.F.R. § 745.85(a)(2)(i)(D) and 15 U.S.C. § 2689.

Civil Penalty

41. Pursuant to Section 16(a) of TSCA, 15 U.S.C. § 2615(a), Complainant determined that an appropriate civil penalty to settle this action is \$3,675. In determining the penalty amount, Complainant considered the nature, circumstances, extent and gravity of the violation or violations alleged and, with respect to the violator, ability to pay, effect on ability to continue to do business, any history of prior such violations, the degree of culpability, such other factors as justice may require, and Respondent's agreement to perform a supplemental environmental project. Complainant also considered EPA's *Interim Final Consolidated Enforcement Response and Penalty Policy for the Pre-Renovation Education Rule; Renovation, Repair and Painting Rule; and Lead-Based Paint Activities Rule* dated August 19, 2010 (Response Policy).

42. Within 30 days after the effective date of this CAFO, Respondent must pay a \$3,675 civil penalty for the TSCA violations by sending a cashier's or certified check, payable to "Treasurer, United States of America," to:

U.S. EPA
Fines and Penalties
Cincinnati Finance Center
P.O. Box 979077
St. Louis, Missouri 63197-9000

The check must state "In the matter of Zidan Management, Inc." and the docket number of this CAFO.

43. A transmittal letter stating Respondent's name, the case title, Respondent's complete address, and the case docket number must accompany the payment. Respondent must send a copy of the check and transmittal letter to:

Regional Hearing Clerk (E-19J)
U.S. EPA, Region 5
77 West Jackson Boulevard
Chicago, IL 60604

Pamela Grace (LC-8J)
Pesticides and Toxics Compliance Section
U.S. EPA, Region 5
77 West Jackson Boulevard
Chicago, IL 60604

Christopher Grubb (C-14J)
Assistant Regional Counsel
U.S. EPA, Region 5
77 West Jackson Boulevard
Chicago, IL 60604

44. This civil penalty is not deductible for federal tax purposes.

45. If Respondent does not pay timely the civil penalty or any stipulated penalties due under paragraph 58, below, EPA may refer this matter to the Attorney General who will recover

such amount, plus interest, in the appropriate district court of the United States under Section 16(a) of TSCA, 15 U.S.C. § 2615(a). The validity, amount, and appropriateness of the civil penalty are not reviewable in a collection action.

46. Pursuant to 31 C.F.R. § 901.9, Respondent must pay the following on any amount overdue under this CAFO. Interest will accrue on any amount overdue from the date the payment was due at a rate established pursuant to 31 U.S.C. § 3717. Respondent must pay a \$15 handling charge each month that any portion of the penalty is more than 30 days past due. In addition, Respondent must pay a 6 percent per year penalty on any principal amount 90 days past due.

Supplemental Environmental Project

47. Respondent must complete a supplemental environmental project (SEP) designed to protect the public health by abating lead-based paint hazards.

48. Respondent must complete a lead-based paint hazard abatement project (“Hazard Abatement Project”) designed to protect tenants from potential lead-based paint hazards by abating lead-based paint hazards in Candlewyck Apartments, located at 100 E. Candlewyck Drive, Kalamazoo, Michigan 49001 (“SEP Property”). This Hazard Abatement Project is a project to replace the windows and doors on the first floor of the SEP Property. The Hazard Abatement Project includes a lead inspection previously performed, and the lead clearance testing as set forth in paragraph 50, below. The Hazard Abatement Project is more specifically described in the Scope of Work at Attachment A, which is hereby incorporated into this CAFO.

49. The Hazard Abatement Project must be conducted in compliance with the Department of Housing and Urban Development (HUD) Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing (June 2012) (“HUD Guidelines”), and executed by individuals certified to perform such work under state and local laws and regulations.

50. Respondent must perform standard lead clearance testing upon completion of the Hazard Abatement Project using HUD Guidelines, and executed by individuals certified to perform such work under state and local laws for the SEP Property. The individuals conducting the Hazard Abatement Project and the individuals executing the standard lead clearance sampling must not be paid, employed, or otherwise compensated by the individuals conducting the Hazard Abatement Project.

51. Respondent must spend at least \$41,500 to complete the Hazard Abatement Project. The money expended on the Hazard Abatement Project is not deductible for tax purposes.

52. Respondent must complete the Hazard Abatement Project by June 1, 2016.

53. Respondent certifies as follows:

a. Respondent certifies that it is not required to perform or develop the SEP by any law, regulation, grant, order, or agreement or as injunctive relief as of the date they signs this CAFO.

b. Respondent certifies that it has not received, and is not negotiating to receive, credit for the SEP in any other enforcement action.

c. Respondent certifies that it shall not use any HUD assistance, including all HUD grants, as well as Community Development Block Grants, to perform the \$41,500 of abatement work required by this CAFO.

d. Respondent certifies that it is not a party to any open federal financial assistance transaction that is funding or could be used to fund the same activity as the SEP.

e. Respondent certifies that, to the best of its knowledge and belief after reasonable inquiry, there is no such open federal financial assistance transaction that is funding or could be used to fund the same activity as the SEP, nor has the same activity been described in an unsuccessful federal financial assistance transaction proposal submitted to EPA within two years of the date of this settlement (unless the project was barred from funding as statutorily ineligible). For the purposes of this certification, the term "open federal financial assistance transaction" refers to a grant,

cooperative agreement, loan, federally-guaranteed loan guarantee or other mechanism for providing federal financial assistance whose performance period has not yet expired.

54. EPA may inspect the SEP Property at any time to monitor Respondent's compliance with this CAFO's requirements. Any access to the SEP Property will be provided on reasonable notice to Respondent.

55. Respondent must submit a Hazard Abatement Project report and lead clearance sampling report upon completion of the Hazard Abatement Project for the SEP Property by July 1, 2016. These reports must contain the following information, to the best of Respondent's knowledge:

- a. A description of the Hazard Abatement Project as completed, which includes the sampling information required in subparagraph b, below;
- b. A clearance sampling report for the SEP Property, giving sampling locations, sample results, and documentation of analytical quality assurance/quality control;
- c. Itemized costs of goods and services used to complete the Hazard Abatement Project documented by copies of invoices, purchase orders, or canceled checks that specifically identify and itemize the individual costs of the goods and services; including receipts for the cost of the lead based paint inspection conducted to identify the lead-based paint and/or lead-based paint hazards in the Property;
- d. Itemized costs of services used to complete the lead clearance sampling documented by copies of invoices or canceled checks that specifically identify and itemize the costs of the services, and documentation that Respondent did not use any HUD assistance, including all HUD grants as well as Community Development Block Grants, to perform the abatement work required by this CAFO;
- e. Documentation that the individuals who performed the Hazard Abatement Project and the lead clearance sampling are certified to perform such work in accordance with the state and local laws and regulations; and

f. Certification that Respondent has completed the Hazard Abatement Project and the lead clearance sampling in compliance with this CAFO.

56. Respondent must submit all notices and reports required by the CAFO by first class mail to Pamela Grace, at the address in paragraph 43, above.

57. In each report that Respondent submits as provided by this CAFO, its authorized representative must certify that the report is true and complete by including the following statement signed by Respondent:

I certify that I am familiar with the information in this document and that, based on my inquiry of those individuals responsible for obtaining the information, the information is true and complete to the best of my knowledge. I know that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations.

58. If Respondent violates any requirement of this CAFO relating to the Hazard Abatement Project, Respondent must pay stipulated penalties to EPA as follows:

a. Except as provided in subparagraph b, below, if Respondent did not complete the Hazard Abatement Project satisfactorily according to the requirements of this CAFO and the Scope of Work in Attachment A, including the schedule in paragraph 52, Respondent must pay a penalty of \$33,075.

b. If Respondent did not complete the Hazard Abatement Project satisfactorily, but EPA determines that Respondent made good faith and timely efforts to complete the Hazard Abatement Project and certified, with supporting documents, that it spent at least 90 percent of the amount set forth in paragraph 51, Respondent will not be liable for any stipulated penalty under subparagraph a, above.

c. If Respondent completed the SEP satisfactorily, but spent less than 90 percent of the amount set forth in paragraph 51, Respondent must pay a penalty of \$5,000.

d. If Respondent did not timely submit the Hazard Abatement Project completion report and the lead clearance sampling completion report addressing each of the requirements in paragraph 55, above, Respondent

must pay penalties in the following amounts for each day after the report was due until it submits the report:

<u>Penalty per violation per day</u>	<u>Period of violation</u>
\$50	1 st through 14 th day
\$100	15 th through 30 th day
\$250	31 st day and beyond

59. EPA's determination of whether Respondent satisfactorily completed the Hazard Abatement Project and whether Respondent made good faith, timely efforts to complete the Hazard Abatement Project will bind Respondent for the purposes of this CAFO.

60. Respondent must pay any stipulated penalties within 15 days of receiving EPA's written demand for the penalties. All penalties shall begin to accrue on the first date of noncompliance, and shall continue to accrue through the date of completion. Respondent will use the method of payment specified in paragraphs 42 and 43, above, and will pay interest, handling charges, and nonpayment penalties on any overdue amounts.

61. Any public statement that Respondent makes referring to the SEP must include the following language, "Zidan Management, Inc. undertook this project under the settlement of the United States Environmental Protection Agency's enforcement action against them for violations of 40 C.F.R. Part 745."

62. If an event occurs which causes or may cause a delay in completing the SEP as required by this CAFO:

a. Respondent must notify EPA in writing within 10 days after learning of an event which caused or may cause a delay in completing the SEP. The notice must describe the anticipated length of the delay, its cause(s), Respondent's past and proposed actions to prevent or minimize the delay, and a schedule to carry out those actions. Respondent must take all reasonable actions to avoid or minimize any delay. If Respondent fails to notify EPA according to this paragraph, Respondent will not receive an extension of time to complete the SEP.

b. If the parties agree that circumstances beyond the control of Respondent caused or may cause a delay in completing the SEP, the parties will stipulate to an extension of time no longer than the period of delay.

c. If EPA does not agree that circumstances beyond the control of Respondent caused or may cause a delay in completing the SEP, EPA will notify Respondent in writing of its decision and any delays in completing the SEP will not be excused.

d. Respondent has the burden of proving that circumstances beyond its control caused or may cause a delay in completing the SEP. Increased costs for completing the SEP will not be a basis for an extension of time under subparagraph b, above. Delay in achieving an interim step will not necessarily justify or excuse delay in achieving subsequent steps.

General Provisions

63. The effective date of this CAFO is the date on which it is filed with the Regional Hearing Clerk (Effective Date).

64. Consistent with the “Standing Order Authorizing E-Mail Service of Orders and Other Documents Issued by the Regional Administrator or Regional Judicial Officer Under the Consolidated Rules,” dated March 27, 2015, the parties consent to service of this CAFO by e-mail at the following valid e-mail addresses: grubb.christopher@epa.gov (for Complainant) and salma@zidans.com (for Respondent). The parties waive their right to service by the methods specified in 40 C.F.R. § 22.6.

65. This CAFO resolves only Respondent’s liability for federal civil penalties for the violations alleged in the CAFO.

66. This CAFO does not affect the rights of EPA or the United States to pursue appropriate injunctive or other equitable relief or criminal sanctions for any violations of law.


67. This CAFO does not affect Respondent’s responsibility to comply with TSCA and the RRP Rule and other applicable federal, state, and local laws.

68. Respondent certifies that it is complying with TSCA and the RRP Rule.
69. The terms of this CAFO bind Respondent, and its successors and assigns.
70. Each person signing this agreement certifies that he or she has the authority to sign for the party whom he or she represents and to bind that party to its terms.
71. Each party agrees to bear its own costs and attorney's fees in this action.
72. This CAFO constitutes the entire agreement between the parties.

Zidan Management, Inc., Respondent

12/21/2015

Date




Raed Zidan
President

United States Environmental Protection Agency, Complainant

12/21/2015

Date



Margaret M. Guerriero
Director
Land and Chemicals Division

In the Matter of:
Zidan Management, Inc.
Docket No. TSCA-05-2016-0004

Final Order

This Consent Agreement and Final Order, as agreed to by the parties, shall become effective immediately upon filing with the Regional Hearing Clerk. This Final Order concludes this proceeding pursuant to 40 C.F.R. §§ 22.18 and 22.31. IT IS SO ORDERED.

12/23/2015
Date



Susan Hedman
Regional Administrator
United States Environmental Protection Agency

ATTACHMENT A

SCOPE OF WORK FOR ABATEMENT AT

100 East Candlewyck Drive, Kalamazoo, Michigan 49001

The following Scope of Work shall adhere to protect tenants from potential lead-based paint hazards by abating lead-based paint hazards at Candlewyck Apartments (SEP Property). Zidan Management, Inc. (Zidan) agrees to perform this Scope of Work as part of a Supplemental Environmental Project (SEP). The SEP is part of the agreement between Zidan and U.S. Environmental Protection Agency to resolve alleged violations of 40 C.F.R. Part 745, Subpart E, Lead; Renovation, Repair, and Painting Program.

The Scope of Work includes the following:

1. Zidan previously hired Environmental and Occupational Consulting and Training, Inc. to conduct a certified lead-based paint inspection of the SEP Property on October 17, 2015. The inspection revealed the existence of lead-based paint above EPA guidelines of .5% by dry weight in 13 of the 26 paint chip samples taken throughout the SEP Property.
2. Zidan shall contract with a licensed lead abatement contractor (Contractor) to perform the SEP. The Contractor must be certified and licensed to conduct lead abatement work under Part 3 of Michigan's Lead Hazard Control Rules (Mich. Admin. Code R. 325.99301 *et seq.*).
3. The Contractor shall remove all old wooden-framed, painted windows and doors on the first floor of the SEP Property and replace them with new windows and doors in accordance with 40 C.F.R. § 745.227(e)(1), Mich. Admin. Code R. 325.99406, and Chapter 12 of the HUD Guidelines.
4. The Contractor shall perform work site preparation and occupant protection, which shall

be in accordance with 40 C.F.R. § 745.227(e)(5), Mich. Admin. Code R. 325.99406, and Chapter 8 of the HUD Guidelines;

5. The Contractor shall perform daily and final cleanups, which shall be in accordance with Chapter 14 of the HUD Guidelines.
6. The Contractor shall dispose of all waste generated by the SEP, which shall be in accordance with State and local requirements and Chapter 10 of the HUD Guidelines.
7. Zidan shall contract with a certified and licensed lead-based paint inspector or risk assessor to perform clearance examination of the SEP as completed (Inspector/Risk Assessor). The Inspector/Risk Assessor shall perform clearance examination of worked areas as provided in 40 C.F.R. § 745.227(e)(8), Mich. Admin. Code R. 325.99407, and Chapter 15 of the HUD Guidelines.
8. The Inspector/Risk Assessor performing the clearance examination cannot be an employee of the Contractor, nor can the Inspector/Risk Assessor have economic interest with the Contractor.
9. Zidan shall submit to EPA an abatement report as described in 40 C.F.R. § 745.227(e)(10) upon completion of the project.

Consent Agreement and Final Order
In the matter of: Zidan Management, Inc.
Docket Number: TSCA-05-2016-0004

CERTIFICATE OF SERVICE

I certify that I served a true and correct copy of the foregoing **Consent Agreement and Final Order**, which was filed on 1/5/2016, in the following manner to the following addressees:

Copy by E-mail to Respondent: ayman@zidans.com

Copy by E-mail to
Attorney for Complainant: grubb.christopher@epa.gov

Copy by E-mail to
Attorney for Respondent: salma@zidans.com

Copy by E-mail to
Regional Judicial Officer: Ann Coyle
coyle.ann@epa.gov

Dated: January 5, 2016



LaDawn Whitehead
Regional Hearing Clerk

U.S. Environmental Protection Agency, Region 5