UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street San Francisco, CA 94105

Lawrence Carndall
Torrey Pines Property Management, Inc./
Torrey Pines Repair & Construction, Inc.
7840 Ivanhoe Avenue
La Jolla, CA 92037

Subject: TSCA Lead-Based Paint Inspection
Date of Inspection: November 18, 2015

7015 0640 0007 0638 0515

Dear Mr. Carndall,

The U.S. Environmental Protection Agency (EPA) will perform an inspection at 7840 Ivanhoe Avenue on Wednesday, November 18, 2015. The purpose of the inspection is to determine compliance with i) Section 1018 of the Residential Lead-Based Paint Hazard Reduction Act of 1992, 42 U.S.C. Section 4851 et seq. and regulations of 40 CFR Part 745, Subpart F, which constitute the Lead Disclosure Rule, and ii) Sections 406(b) and 402(c)(3) of the Residential Lead-Based Paint Hazard Reduction Act of 1992, 42 U.S.C. Section 4851 et seq. and regulations of 40 CFR Part 745, Subparts E and L, which constitute the Renovation, Repair, and Painting Rule.

The Lead Disclosure Rule requires the disclosure of information about the presence of lead-based paint and lead-based paint hazards to lessees and buyers before the lease or sale of housing built before 1978 and the maintenance of records. The Renovation, Repair, and Painting Rule requires that individuals compensated to perform renovation, repair, or painting activities in pre-1978 housing or child-occupied facilities be certified by EPA, provide notice to tenants, follow lead-safe practices, and maintain records. The Environmental Protection Agency (EPA) is authorized to enforce the Rules under Sections 1018, 406(b), 402(c)(3), as well as Sections 16 and 409 of the Toxic Substances Control Act (TSCA), 15 U.S.C. Sections 2615 and 2689.

The EPA inspector will review and copy lease and/or sale documents. The EPA inspector will also review and copy documents related to residential renovation, repair and painting work (including renovation, repair, and painting contracts, work orders, change orders, and any additional records that identify the type and extent of renovation, repair, or painting activities performed), as well as the EPA certificate for each construction superintendent that oversees or performs renovation, repair, and painting activities.

The EPA inspectors will need to meet with you or a manager of your company and will require use of a table to review the documents as well as a copy machine to duplicate the documents. The inspection will last several hours.

Enclosed is a Small Business Regulatory Enforcement and Fairness Act (SBREFA) Information Sheet providing information on compliance assistance and informing small businesses of their right to comment to the SBREFA Ombudsman on EPA enforcement-related efforts. The SBREFA does not eliminate your responsibility to respond in a timely fashion to any complaint or information request that EPA may issue or any other enforcement action that EPA may undertake, nor create new rights or defenses under Federal law.

Any questions or correspondence relating to this matter should be directed to:

Max Weintraub
U.S. EPA Region 9
75 Hawthorne Street (ENF-2-2)
San Francisco, CA 94105

Phone: 415-947-4163
Email: weintraub.max@epa.gov

Sincerely,

Max Weintraub

Max Weintraub
Lead-Based Paint Enforcement Coordinator

Encl. (1) U.S. EPA Small Business Resources Information Sheet

Office of Enforcement and Compliance Assurance (2201A)
EPA-300-B-15-001 May 2015

U.S. EPA Small Business Resources Information Sheet

The United States Environmental Protection Agency provides an array of resources to help small businesses understand and comply with federal and state environmental laws. In addition to helping small businesses understand their environmental obligations and improve compliance, these resources will also help such businesses find cost-effective ways to comply through pollution prevention techniques and innovative technologies.

Small Business Programs
www.epa.gov/smallbusiness
EPA's Office of Small Business Programs (OSBP) advocates and fosters opportunities for direct and indirect partnerships, contracts, and sub-agreements for small businesses and socio-economically disadvantaged businesses.

EPA's Asbestos Small Business Ombudsman
www.epa.gov/sbo or 1-800-368-5888
The EPA Asbestos and Small Business Ombudsman (ASBO) serves as a conduit for small businesses to access EPA and facilitates communications between the small business community and the Agency.

EPA's Compliance Assistance Homepage
www2.epa.gov/compliance
This page is a gateway industry and statute-specific environmental resources, from extensive web-based information to hotlines and compliance assistance specialists.

EPA's Compliance Assistance Centers
www.assistancecenters.net
EPA's Compliance Assistance Centers provide information targeted to industries with many small businesses. They were developed in partnership with industry, universities and other federal and state agencies.

Agriculture
www.epa.gov/agriculture/

Automotive Recycling
www.ecarcenter.org

Automotive Service and Repair
ccar-greenlink.org/ or 1-888-GRN-LINK

Chemical Manufacturing
www.chemalliance.org

Construction
www.cicacenter.org or 1-734-995-4911

Education
www.campuserc.org

Food Processing
www.fpeac.org

Healthcare
www.hercenter.org

Local Government
www.lgean.org

Metal Finishing
www.nmfrc.org

Paints and Coatings
www.paintcenter.org

Printing
www.pneac.org

Ports
www.portcompliance.org

Transportation
www.tercenter.org

U.S. Border Compliance and Import/Export Issues
www.bordercenter.org

EPA Hotlines, Helplines and Clearinghouses
www2.epa.gov/home/epa-hotlines
EPA sponsors many free hotlines and clearinghouses that provide convenient assistance regarding environmental requirements. Some examples are:

Clean Air Technology Center (CATC) Info-line
www.epa.gov/ttn/catc or 1-919-541-0800

Superfund, TRI, EPCRA, RMP and Oil Information Center
www.epa.gov/superfund/contacts/infocenter/index.htm or 1-800-424-9346

EPA Imported Vehicles and Engines Public Helpline
www.epa.gov/otaq/imports or 734-214-4100

National Pesticide Information Center
www.npic.orst.edu/ or 1-800-858-7378

National Response Center Hotline to report oil and hazardous substance spills - www.nrc.uscg.mil or 1-800-424-8802

Pollution Prevention Information Clearinghouse (PPIC) - www.epa.gov/opptintr/ppic or 1-202-566-0799

Safe Drinking Water Hotline - www.epa.gov/drink/hotline/index.cfm or 1-800-426-4791

Stratospheric Ozone Protection Hotline
www.epa.gov/ozone/comments.htm or 1-800-296-1996

Toxic Substances Control Act (TSCA) Hotline
tsca-hotline@epa.gov or 1-202-554-1404

Small Entity Compliance Guides
http://www.epa.gov/sbrefa/compliance-guides.html
EPA publishes a Small Entity Compliance Guide (SECG) for every rule for which the Agency has prepared a final regulatory flexibility analysis, in accordance with Section 604 of the Regulatory Flexibility Act (RFA).

Regional Small Business Liaisons
http://www.epa.gov/sbo/rsbl.htm
The U.S. Environmental Protection Agency (EPA) Regional Small Business Liaison (RSBL) is the primary regional contact and often the expert on small business assistance, advocacy, and outreach. The RSBL is the regional voice for the EPA Asbestos and Small Business Ombudsman (ASBO).

State Resource Locators
www.envcap.org/statetools
The Locators provide state-specific contacts, regulations and resources covering the major environmental laws.

State Small Business Environmental Assistance Programs (SBEAPs)
www.epa.gov/sbo/507program.htm
State SBEAPs help small businesses and assistance providers understand environmental requirements and sustainable business practices through workshops, trainings and site visits.

EPA's Tribal Portal
www.epa.gov/tribalportal/
The Portal provides access to information on environmental issues, laws, and resources related to federally recognized tribes.

EPA Compliance Incentives
EPA provides incentives for environmental compliance. By participating in compliance assistance programs or voluntarily disclosing and promptly correcting violations before an enforcement action has been initiated, businesses may be eligible for penalty waivers or reductions. EPA has two such policies that may apply to small businesses:

EPA's Small Business Compliance Policy
www2.epa.gov/enforcement/small-businesses-and-enforcement
This Policy offers small businesses special incentives to come into compliance voluntarily.

EPA's Audit Policy
www2.epa.gov/compliance/epas-audit-policy
The Policy provides incentives to all businesses that voluntarily discover, promptly disclose and expeditiously correct their noncompliance.

Commenting on Federal Enforcement Actions and Compliance Activities
The Small Business Regulatory Enforcement Fairness Act (SBREFA) established a SBREFA Ombudsman and 10 Regional Fairness Boards to receive comments from small businesses about federal agency enforcement actions. If you believe that you fall within the Small Business Administration's definition of a small business (based on your North American Industry Classification System designation, number of employees or annual receipts, as defined at 13 C.F.R. 121.201; in most cases, this means a business with 500 or fewer employees), and wish to comment on federal enforcement and compliance activities, call the SBREFA Ombudsman's toll-free number at 1-888-REG-FAIR (1-888-734-3247).

Every small business that is the subject of an enforcement or compliance action is entitled to comment on the Agency's actions without fear of retaliation. EPA employees are prohibited from using enforcement or any other means of retaliation against any member of the regulated community in response to comments made under SBREFA.

Your Duty to Comply
If you receive compliance assistance or submit a comment to the SBREFA Ombudsman or Regional Fairness Boards, you still have the duty to comply with the law, including providing timely responses to EPA information requests, administrative or civil complaints, other enforcement actions or communications. The assistance information and comment processes do not give you any new rights or defenses in any enforcement action. These processes also do not affect EPA's obligation to protect public health or the environment under any of the environmental statutes it enforces, including the right to take emergency remedial or emergency response actions when appropriate. Those decisions will be based on the facts in each situation. The SBREFA Ombudsman and Fairness Boards do not participate in resolving EPA's enforcement actions. Also, remember that to preserve your rights, you need to comply with all rules governing the enforcement process.

EPA is disseminating this information to you without making a determination that your business or organization is a small business as defined by Section 222 of the Small Business Regulatory Enforcement Fairness Act or related provisions.