

# 2022 Lead Bulletin

## Office of Enforcement & Compliance Assurance

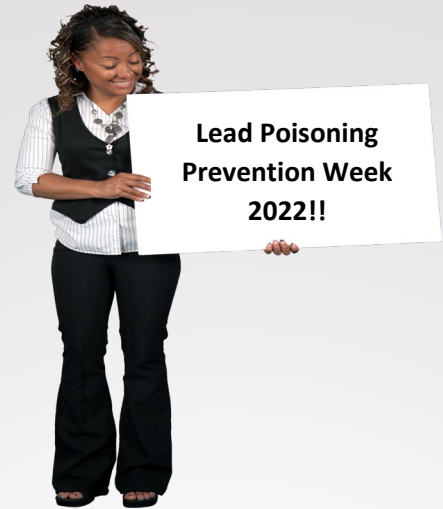
**This bulletin provides an overview and selected highlights of activities conducted by OECA and its partners to address actual and potential exposures to lead that put children and others at serious risk of harm.**

### EPA Reduces Lead Exposures through Enforcement and Compliance Assurance

Exposure to lead in environmental media — soil, water, air, and in paint — can cause serious health problems. Those most at risk are children under the age of six, who may suffer severe neurological impacts including learning disabilities, behavioral issues and hearing loss. Lead-based paint is a significant source of childhood lead poisoning. Other typical sources of lead exposure include lead in drinking water, lead in soil from legacy practices (e.g., leaded gasoline) and some industrial operations, and lead in air emissions from certain commercial sources. See “Effects of Lead on Human Health,” below.

The Environmental Protection Agency (EPA or the Agency) Office of Enforcement and Compliance Assurance (OECA), in collaboration with and its partners, uses multiple statutory and regulatory authorities, tools and activities to prevent or reduce exposures to lead in environmental media. OECA leads and supports a variety of enforcement and compliance assurance activities conducted by EPA Regions and by states, tribes, and territories implementing EPA-authorized programs. Also, OECA collaborates with states, tribes, other federal agencies, communities, governmental and non-governmental stakeholders, and industry to address lead contamination. OECA’s activities are part of the Agency-wide effort to address lead in the environment.

The primary goal of enforcement and compliance assurance activities is to protect public health and the environment. Therefore, these activities aim to promote compliance with environmental requirements, ensure that violators are held accountable for noncompliance, deter would-be violators, and promote a level playing field for entities that comply with the requirements.



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and related topics on  
lead

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## Lead Paint in Housing and Child-Occupied Facilities

Exposure to lead in dust, chips or debris from lead paint can pose serious risks to human health, particularly for young children and pregnant women. Lead dust from chipped or peeling lead paint in homes built prior to 1978 presents one of the most common causes of elevated blood-lead levels in children. Infants and children are especially vulnerable to lead paint exposure because their growing bodies absorb more lead than adults do, and their brains and nervous systems are more sensitive to the damaging effects of lead.

Regulations under the federal Toxic Substances Control Act (TSCA) and the Residential Lead-Based Paint Hazard Reduction Act (LHRA) apply to most pre-1978 dwellings and child-occupied facilities such as pre-schools and child-care centers. TSCA's Renovation, Repair and Painting (RRP) Rule and Lead-based Paint Activities Rule require contractor certification and lead-safe work practices, among other things. LHRA's Lead Disclosure Rule requires disclosure of information about lead-based paint before the sale or lease of most housing built before 1978.

### **Withdrawal of Lead-Based Paint Property Management Company FAQs**

On March 21, 2022, EPA withdrew previously published answers to two Frequently Asked Questions (FAQs) concerning property management companies (PMCs) and their compliance responsibility under TSCA's RRP Rule. EPA will assess compliance of PMCs with the RRP Rule according to the same requirements placed upon any other entity performing a renovation in target housing. Withdrawal of these FAQs helps to increase the impact and effectiveness of the RRP Rule and improve compliance in rental properties managed by PMCs. This is especially important to underserved and overburdened communities, which often include a high proportion of rental housing managed by PMCs, and the military community, where family housing is also often managed by PMCs.

The cases below involve alleged noncompliance with at least one of these lead paint requirements. These cases highlight the range of the Agency's work, including:

- criminal prosecution in conjunction with the U.S. Department of Justice (DOJ),
- a focus on geographic areas that suffer from disproportionate levels of lead exposure, and
- bringing civil administrative actions against renovators with a far-reaching influence on the compliance landscape locally, regionally or nationwide.

By ensuring compliance with federal lead paint requirements, EPA strives to address major sources of lead exposure that occur throughout the nation and particularly in areas of environmental justice

concern. In addition to EPA's actions, the Agency supports states, tribes, and territories on the implementation and enforcement of the EPA-authorized lead-based paint programs.

### Highlights of 2022 Enforcement Actions

- **Two Chicks and a Hammer, Inc. of HGTV's "Good Bones" Settle to Resolve Alleged Renovation Violations**—Two Chicks and a Hammer, Inc. settled alleged violations of the RRP Rule. The violations occurred in Indiana and were broadcast on the home renovation television program, "Good Bones." (Continued on page 8)
- **Warner Bros. Discovery Network's "Maine Cabin Masters" Renovator Agrees to Include Lead Paint Compliance Information in Upcoming Episodes as Part of Settlement**—Kennebec Property Services, LLC, which performs renovations broadcast on the television show "Maine Cabin Masters," settled alleged violations of the RRP Rule. (Continued on page 9)
- **GB Group, Inc. Settles to Resolve Alleged Renovation Violations**—GB Group, Inc. based in Gilroy, Calif., agreed to pay \$137,804 in civil penalties to settle alleged violations of the RRP Rule. (Continued on page 9)
- **Property Management Firm Settles Alleged Renovation and Asbestos Violations**—As part of a geographic initiative in Connecticut to address areas with environmental justice concerns, EPA obtained a settlement with Russell Apartments LLC, a Connecticut property management and development firm located in Waterbury, to resolve alleged lead paint and asbestos violations. (Continued on page 9)
- **Property Manager Sentenced for Failure to Properly Notify Tenants about Lead Hazards**—In a criminal case, on June 8, 2022, Paul Heil was sentenced to serve one year of probation and pay a \$15,000 fine in the Western District of New York for failure to comply with the Lead Disclosure Rule. (Continued on page 9)
- **Owner of Maryland lead inspection company sentenced**—In a criminal case, on March 31, 2022, David Gillis was sentenced in the federal District of Maryland to 60 months of probation and ordered to pay a \$50,000 fine. (Continued on page 10)

## Lead at Superfund Sites

Lead is the most common contaminant found at Superfund sites across the country. The Superfund enforcement program identifies the parties responsible for lead contamination and uses Superfund authority to compel them to clean it up or reimburse the government for cleanup costs. Cleanups are often complex, can take years to complete, and generally involve multiple enforcement actions to accomplish.

In FY 2022, the Superfund enforcement program entered over a dozen enforcement actions at sites with lead contamination in soils, water, demolition debris, mine tailings piles, etc. These are in addition to the ongoing Superfund actions initiated in previous years that are still ongoing to address lead contamination.

Superfund enforcement actions have compelled the removal of lead contaminated soils in thousands of residential yards, greatly reducing the lead exposures of those playing, working and gardening in those yards.

### Highlights of 2022 Enforcement Actions

- **Settlement Secures Cost Recovery for EPA Removal Action** — In February 2022, EPA entered into a settlement with H. Kramer & Co., BNSF Railway Co., and the City of Chicago to recover costs incurred during cleanup of lead-contaminated soil at the Pilsen Area Soil Site in Chicago, Illinois. (Continued on page 10)
- **UAO Ensures Continued Cleanup in Viburnum, MO** — On December 15, 2021, EPA Region 7 issued a Unilateral Administrative Order (UAO) to Doe Run Resources Corporation pursuant to Section 106 of CERCLA requiring removal of lead-contaminated soil from 58 residential properties. (Continued on page 10)
- **Cleanup Continues at the USS Lead Superfund Site** — On September 2, 2022, the EPA issued an Explanation of Significant Differences (ESD) that selects the remedy to address lead and arsenic contamination at the USS Lead Superfund site in East Chicago, Indiana. With the ESD, two administrative orders became effective to ensure that the contamination is properly addressed. (Continued on page 11)

## Lead in Hazardous Wastes

The Resource Conservation and Recovery Act (RCRA) works to prevent lead contamination through requiring the careful management of certain wastes, including those that contain lead. Most facilities that treat, store, or dispose of hazardous wastes, including hazardous wastes that exceed the regulatory limit for lead, must have and comply with a permit. EPA has authorized forty-eight states and two territories to implement their own hazardous waste management program in lieu of the federal program. While EPA maintains independent enforcement authority, the states with authorized RCRA programs are primarily responsible for issuing and enforcing hazardous waste management permits, including those that address waste hazardous for lead. EPA implements the RCRA hazardous waste program throughout Indian country and in those states and territories that are not authorized.

RCRA also addresses the investigation and clean-up of lead releases and contamination through its corrective action program. Corrective action is a requirement under the RCRA which requires facilities that treat, store or dispose of hazardous wastes to investigate and clean up hazardous releases into soil, ground water, surface water and air. RCRA corrective action obligations may be implemented through permits and administrative orders. Since 1984, EPA has issued hundreds of corrective action orders to facilities that treat, store or dispose of hazardous wastes, many of which address lead contamination. In some cases (e.g., at some smelters and refineries), lead was the primary contaminant or risk-driver addressed by the order. Similar to Superfund cleanups, corrective action at RCRA facilities can be complex and take several years to complete. Forty-four states and one territory are also authorized to implement the hazardous waste corrective action program in lieu of the federal program. In states and

territories with authorized programs, EPA oversees and coordinates with the authorized state/territory and maintains independent enforcement authority.

### Highlights of 2022 Enforcement Actions

- **Former North Carolina landfill director sentenced** — On January 20, 2022, Jeffrey G. Brookshire was sentenced to serve 12 months of probation and pay a \$1,000 fine for illegally storing and disposing of lead waste. (Continued on page 11)
- **RCRA Section 7003 Order issued to TAV Holdings, Inc.** — On January 10, 2022, EPA Region 4 issued a RCRA Section 7003 unilateral order to address releases of wastes containing lead at the TAV Holdings, Inc. facility in Atlanta, Georgia. (Continued on page 12)

## Lead in Drinking Water

Lead in drinking water presents unique challenges because it leaches into water either as it moves through distribution systems, or through plumbing in the building or home. EPA estimates drinking water can make up to 20 percent or more of a person's total exposure to lead. However, sensitive subpopulations may face higher risks. For example, infants who consume mostly mixed formula can receive 40 percent to 60 percent of their exposure to lead if drinking water is contaminated.

EPA promulgated the Lead and Copper Rule (LCR or Rule) in 1991 to protect public health by reducing lead in drinking water. Because lead contamination of drinking water often results from corrosion of the plumbing materials, the LCR requires water systems to control the corrosivity of the water they serve. The regulation also requires systems to collect tap samples from sites served by the system that are more likely to have plumbing materials containing lead. If more than 10 percent of tap water samples exceed the lead action level of 15 parts per billion, then water systems are required to take additional actions. While the long-term LCR revisions and the lead-free rulemaking are underway, EPA continues to work with states, territories, and tribes to help address lead in drinking water.

### Drinking Water National Compliance Initiative

EPA developed a Safe Drinking Water Act public water system National Compliance Initiative (NCI) which began FY 2020. During FY 2020 and FY 2021, the first two years for implementation of this NCI, the Agency made significant progress by working collaboratively with states, tribes, and territories. The results were a decrease in the number of community water systems with health-based violations, an expansion of EPA, State and Tribal inspector capacity and technical expertise, and improved public water system performance with assistance from Compliance Advisors who provide effective on-the-ground technical assistance to help public water systems achieve and sustain environmental compliance.

### Highlights of 2022 Enforcement Actions

- **Safe Drinking Water in Benton Harbor, MI**—In November 2021, as part of EPA’s response to a Petition for Emergency Action under the Safe Drinking Water Act, EPA issued a Unilateral Administrative Order to the city of Benton Harbor outlining steps necessary for the city to protect residents from exposure to lead through the city’s drinking water. (Continued on page 12)

## Lead in Air Emissions

Air emissions that contain lead, or chemicals that contribute to the deterioration of lead in paint, present risks of lead exposure to the public and to children in particular. Enforcement concerning lead in the air is conducted under the Clean Air Act (CAA), which regulates stationary and mobile sources that emit air pollution. The act requires major stationary sources, such as manufacturers, processors, refiners, and utilities, to obtain operating permits and install pollution control equipment and to meet specific emissions limitations.

The major sources of lead emissions to the air today are ore and metals processing and leaded aviation gasoline. Other stationary sources are waste incinerators, utilities, and lead-acid battery manufacturers.

EPA is working with states to investigate stationary sources potentially out of compliance with applicable lead emission laws due to excess lead emissions in areas designated as nonattainment or as having ambient lead concentrations exceeding the 2008 NAAQS. The focus will be on areas in overburdened communities and sources which may be adversely impacting children’s health.

## Lead at Federal Facilities

Federal facilities comprise one of the largest and most diverse sectors in the nation, have a significant environmental footprint, and can play a large role in reducing exposure to lead from lead-based paint, water, soil, and air emissions at their facilities and in neighboring communities. EPA works with federal facilities to reduce lead risks and hold federal agencies accountable to the same standard of environmental compliance as other members of the regulated community.

EPA engages in outreach and collaboration with the Department of Defense (DOD) and civilian federal agencies to identify how to improve compliance with lead-related environmental regulations that address children's health, including federal agencies' work with companies that manage, operate, or maintain privatized housing on federal facilities. EPA is also following-up with these companies to assess their compliance with lead-based paint regulations in privatized housing, and to take appropriate enforcement action as needed.

#### **Lead-Based Paint Training for Privatized Military Housing Companies**

On June 14, 2022, EPA presented training, hosted by DOD, on compliance with the Lead Disclosure Rule and RRP Rule that was attended by the 14 private sector companies which operate DOD's Military Housing Privatization Initiative projects nationally.

## **Lead in Indian Country**

Federally-recognized Indian tribes are able to implement, with EPA approval, a number of Agency programs that are directly related to reducing exposure to lead from lead-based paint, water, soils and air emissions from facilities located in Indian country. At this time only a small number of tribes are implementing EPA-approved regulatory programs. As such, EPA directly implements virtually all programs in Indian country, and conducts virtually all inspections and enforcement activities. EPA direct implementation in Indian country is undertaken consistent with the relevant lead-related statutes and both tribal and non-tribal specific policies and guidance. OECA endeavors to work with tribes to reduce lead risks and ensure compliance.

## **Effects of Lead on Human Health**

Lead is a naturally occurring element that can be harmful to humans, particularly children, when ingested or inhaled. Lead can be found in all parts of our environment—air, soil, water, sediments, and inside our homes.

Lead exposure affects the nervous system and can cause a range of health effects, from behavioral problems and learning disabilities, to seizures and death. Children six years old and younger are most at risk. If not detected early, children with high levels of lead in their bodies can suffer from:

- Damage to the brain and nervous system
- Behavior and learning problems, such as hyperactivity
- Slowed growth
- Hearing problems
- Headaches
- Anemia

In rare cases, acute lead poisoning from ingestion of lead can lead to seizures, coma, and even death.

Lead can accumulate in our bodies over time, where it is stored in bones along with calcium. During pregnancy, lead is released from bones as maternal calcium is used to help form the bones of the fetus. This is particularly true if a woman does not have enough dietary calcium. Lead can also easily be



circulated from the mother's blood stream through the placenta to the fetus. Mothers with high levels of lead in their bodies can expose their developing fetuses to lead, resulting in serious and developmental problems including:

- Miscarriages,
- Premature births or low birth weight,
- Brain damage, decreased mental abilities, and learning difficulties, and/or
- Reduced growth in young children.

*Lead exposure affects the nervous system and can cause a range of health effects, from behavioral problems and learning disabilities, to seizures and death.*

## 2022 Enforcement Actions

Many EPA settlement documents, including for some cases highlighted below, are available from EPA's [Administrative Enforcement Docket](#) and [Environmental Appeals Board](#).

### Lead Paint in Housing and Child-Occupied Facilities

#### **Two Chicks and a Hammer, Inc. of HGTV's "Good Bones" Settle to Resolve Alleged Renovation Violations**

[Two Chicks and a Hammer, Inc.](#) settled alleged violations of the RRP Rule. The violations occurred in Indiana and were broadcast on the home renovation television program, "Good Bones." The company agreed to pay civil penalties of \$40,000 and take steps to ensure compliance with the RRP Rule in future renovation projects. Further, the company agreed to complete projects to educate the public about lead-based paint hazards and the importance of using a certified renovator, including producing [this video](#) about renovations with Mina Starsiak Hawk, the show's featured renovator.

Renovation firms whose non-compliant renovations are broadcast on national television may have a far-reaching influence on the RRP Rule compliance landscape. Therefore, EPA has addressed violations and obtained settlements by several firms whose non-lead-safe work practices were broadcast on HGTV/Discovery, the same network that airs "Maine Cabin Masters" and "Good Bones," including "[Magnolia Homes](#)," "[Texas Flip N Move](#)," and "[Rehab Addict and Bargain Mansions](#)."

#### **Warner Bros. Discovery Network's "Maine Cabin Masters" Renovator Agrees to Include Lead Paint Compliance Information in Upcoming Episodes as Part of Settlement**



[Kennebec Property Services, LLC](#) (Kennebec), which performs renovations broadcast on the television show “Maine Cabin Masters,” settled alleged violations of the RRP Rule. Kennebec will pay a \$16,500 penalty and come into compliance with the RRP Rule. In addition, Kennebec will include information about RRP Rule compliance in at least three episodes of the next season of the show. The settlement reflects that commitment from Warner Bros. Discovery Network, which airs the show. Kennebec will also interview an EPA lead paint inspector about lead compliance on one episode of its podcast entitled [“From the Woodshed.”](#) EPA alleged that Kennebec performed five renovations in violation of RRP Rule requirements.

### **GB Group, Inc. Settles to Resolve Alleged Renovation Violations**

[GB Group, Inc.](#) based in Gilroy, Calif., agreed to pay \$137,804 in civil penalties to settle alleged violations of the RRP Rule. EPA found that during renovation work at residential properties in Oakland (including a building in an area with environmental justice concerns) and San Francisco, GB Group failed to conduct pre-renovation education by not providing EPA’s *Renovate Right* pamphlet to homeowners and adult occupants. GB Group also failed to assign a certified renovator to each renovation, did not follow work-site lead-safe practices, and failed to develop and maintain required records.

### **Property Management Firm Settles Alleged Lead Renovation and Asbestos Violations**

As part of a geographic initiative in Connecticut to address areas with environmental justice concerns, EPA obtained a settlement with [Russell Apartments LLC](#), a Connecticut property management and development firm located in Waterbury, to resolve alleged lead paint and asbestos violations. The lead paint violations alleged were the failure to be RRP firm-certified and failure to ensure a certified renovator performs or directs work. The asbestos violations alleged were failure to notify of intention to renovate, failure to adequately wet while stripping asbestos, and failure to keep asbestos waste material adequately wet. The company agreed to pay a civil penalty of \$25,000, which EPA determined was appropriate based on the company’s ability to pay. The company further agreed to certify current compliance with the Clean Air Act’s National Emission Standard for Hazardous Air Pollutants for Asbestos and the RRP Rule. This is the first known case, by EPA’s New England Region, that addressed both Clean Air Act asbestos and TSCA lead-based paint violations. The company also obtained the services of an environmental abatement firm to abate both lead and asbestos at the property.

### **Property Manager Sentenced for Failure to Properly Notify Tenants about Lead Hazards**

In a criminal enforcement action, on June 8, 2022, [Paul Heil was sentenced](#) to serve one year of probation and pay a \$15,000 fine in the Western District of New York for failure to comply with the Lead Disclosure Rule. Heil was a property manager acting on behalf of Williamsville Property Holdings LLC, a.k.a. Williamsville Properties. Between December 2015, and May 2018, Heil and the company were aware of lead paint and lead paint hazards at a residence in Buffalo, NY located in an overburdened community. They were also made aware that a two-year-old child residing in the property had an elevated blood-lead level. In April 2018, and again in June 2020, Heil and Williamsville Properties rented the residence to other lessees with children, knowing the property contained lead hazards. Knowing or willful violations of TSCA lead-based paint rules may give rise to criminal prosecution.

### **Owner of Maryland Lead Inspection Company Sentenced**

In a criminal enforcement action, on March 31, 2022, David Gillis, owner and operator of the company Home Free Lead Inspections, was sentenced in the federal District of Maryland to 60-months of probation and ordered to pay a \$50,000 criminal fine for falsifying lead inspections under the TSCA. EPA's Criminal Investigation Division received information from the Maryland Department of the Environment (MDE) along with EPA Region 3, alleging that from 2015 through 2018, the company conducted lead-based paint inspections and issued MDE "lead-free" certificates to properties throughout Maryland, when in fact many of the properties did not qualify as being lead-free under state standards. This was a joint investigation with the U.S. Department of Housing and Urban Development. Many of these properties are in overburdened communities.

## Lead at Superfund Sites

### **Settlement Secures Cost Recovery for EPA Removal Action**

In February 2022, EPA entered into a settlement with H. Kramer & Co., BNSF Railway Co., and the City of Chicago to recover costs incurred during cleanup of lead-contaminated soil at the [Pilsen Area Soil Site](#) in Chicago, Illinois. Through the settlement, EPA recovered approximately \$1,950,000 in investigation and oversight costs associated with the 2015-2018 cleanup of two Pilsen areas. One area consisted of residential properties where surface soil was contaminated with lead due to emissions from H. Kramer's brass and bronze foundry. H. Kramer's contractors cleaned up 68 homes and removed approximately 1,537 tons of lead contaminated soil before backfilling with clean soil. The other area consisted of an alley next to the H. Kramer foundry that was owned by the City of Chicago and a railroad spur once used by BNSF adjacent to the foundry. About 600 cubic yards of lead-contaminated soil was removed and the area was graded with gravel cover before being paved with asphalt.

### **UAO Ensures Continued Cleanup in Viburnum, MO**

On December 15, 2021, EPA Region 7 issued a Unilateral Administrative Order (UAO) to Doe Run Resources Corporation pursuant to Section 106 of CERCLA. The UAO requires Doe Run to remove lead-contaminated soil from 58 residential properties near the [Viburnum Trend Lead Haul Roads Site](#) in Viburnum, Missouri. Surface soil contamination in the yards ranges from 400 parts per million (ppm) to 1200 ppm. Yards with higher lead concentrations were previously addressed. Once the removal action is completed at the 58 yards, over half the yards within Viburnum will have been addressed. Cleanup of the 58 yards will cost the company between \$1.0 - \$1.5 million.

The city of Viburnum has been home to mining-related operations since the 1960s. St. Joe Mineral Corp (St. Joe) operated several mines in the area and built the city to support its mining operations. Consequently, lead-contaminated mine waste was used in the construction and landscaping of residential properties. St. Joe also operated the Central Mill in Viburnum, which was a likely source of air pollution and lead fallout from the hauling, crushing, and processing of

concentrated ore. Doe Run is the corporate successor of St. Joe and is a potentially responsible party at several other superfund sites in Region 7.

### **Cleanup Continues at the USS Lead Superfund Site**

On September 2, 2022, EPA issued a modification to the remedy to address lead and arsenic contamination from historic operations of several industrial facilities at a portion of the [USS Lead Superfund](#) site in East Chicago, Indiana. The ESD confirms that a commercial/industrial remedy (cleanup of the area to standards suitable for commercial use) will be performed for an area known as “Modified Zone 1” which was previously the site of a housing complex. After the demolition of the housing complex, EPA learned that the City of East Chicago planned to develop Modified Zone 1 for commercial/industrial purposes and amended the original formal remedy plan to provide for a commercial/industrial remedy rather than a residential remedy if certain conditions were met. The September 2022 modification acknowledges that those conditions have been met.

When the September 2022 modification was signed, two enforceable agreements facilitating the cleanup became effective:

- An Administrative Settlement Agreement and Order on Consent through which several potentially responsible parties will provide financial assurance to ensure completion of the cleanup and reimburse EPA \$18 million for its past cleanup costs.
- An Agreement with the purchaser of Modified Zone 1, which requires the purchaser to implement the commercial/industrial remedy selected in the September 2022 modification. This agreement is the first time at EPA in which a purchaser who has no liability for the contamination has agreed to fully implement the selected remedy at a site listed on the National Priorities List.

The communities within and around the site have historically been overburdened by pollution and have expressed concerns about the health risks associated with exposure to lead. Performance of the remedy is the last of the cleanup that needs to be done in this part of the site.

## Lead in Hazardous Wastes

### **Former North Carolina Landfill Director Sentenced**

On January 20, 2022, Jeffrey G. Brookshire was sentenced to serve 12 months of probation and ordered to pay a \$1,000 fine. Brookshire previously pleaded guilty in the Western District of North Carolina to violating RCRA for illegally storing and disposing of hazardous waste containing lead without a permit. Brookshire worked as the Director of the Transylvania County Landfill between 2005 until his retirement in July 2017. In April and June 2016, Brookshire accepted firing range air filters that contained lead for disposal at the landfill, without a permit to do so.

### **RCRA Section 7003 Order Issued to TAV Holdings, Inc.**

On January 10, 2022, EPA Region 4 issued a RCRA Section 7003 unilateral order to address releases at the TAV Holdings, Inc. (TAV) facility in Atlanta, Georgia. TAV receives and processes wastes – including wastes containing lead - that would otherwise go to a landfill and claims that it can recover various metals from automobile shredder residue waste. The facility, which is located near a community with potential environmental justice concerns, has never provided notice to EPA or the Georgia Environmental Protection Division regarding any solid or hazardous waste activities, and holds no permits to conduct such activities. During inspections at the facility, EPA inspectors observed large waste piles, all of which lacked containment and/or other measures to prevent releases of waste material directly to the environment. Inspectors also observed that wastewater had run off site into an adjacent creek. Sampling results showed elevated levels of lead both on-site and in the creek, with the sediment and most of the waste samples exceeding the Toxicity Characteristic Leaching Procedure limit for lead (5 mg/L). The highest exceedance found was 24 mg/L.

The [Order](#) requires TAV and the property owners to cease activities that may result in releases of wastes, including waste containing lead, to the environment and to take immediate steps to ensure that the facility is operating in a safe manner and in compliance with applicable regulations. Some of these steps required to be taken under the Order include site security measures, containment of on-site material, and implementation of suitable storage, operations, and disposal plans. TAV is also required to submit weekly updates to EPA under the Order.

## Lead in Drinking Water

### **Safe Drinking Water in Benton Harbor, MI**

In November 2021, EPA issued a Unilateral Administrative Order to the city of [Benton Harbor](#) outlining steps necessary for the city to protect residents from exposure to lead through the city's drinking water. In September 2021, EPA Region 5 conducted a targeted compliance monitoring inspection of the Benton Harbor Public Water System (PWS). Also in September, EPA received a Petition for Emergency Action under the Safe Drinking Water Act requesting that EPA investigate and address elevated lead levels in Benton Harbor Michigan's drinking water. As part of EPA's response to the petition, in November 2021, EPA issued a Unilateral Administrative Order and conducted an additional, focused inspection of their drinking water system. On February 14, 2022, a follow-up inspection of the Benton Harbor PWS was conducted in coordination with the state of Michigan. The purpose of the inspection was to make observations about the site conditions, operation, and monitoring of the system to evaluate compliance with the Safe Drinking Water Act, regulatory requirements, and specifically, the Unilateral Administrative Order.

Work continues under the Administrative Order; as of June 2022, laboratory analysis of water samples collected by EPA personnel have been completed. (See results of the filter study [here](#).) The data from these sampling events have been through both the laboratory quality assurance process and an internal EPA review for correctness. Residents whose water was sampled as part of this EPA effort will receive a letter in the mail with their full and final laboratory results. The

letter will include detailed results for lead, as well as many other water quality parameters. The letter will also include additional state efforts and resources available to residents of Benton Harbor. Information gathered during the inspection will allow EPA, Benton Harbor and the State of Michigan to get Benton Harbor's drinking water system back on a path to serving drinking water in compliance with the Safe Drinking Water Act to the residents of the city.

### **Compliance Assurance**

In addition to enforcement, EPA has an array of compliance assurance tools and activities to promote compliance, including:

- Compliance assistance
- Compliance monitoring
- Capacity-building with partners
- Grants
- Policy development
- Data and tool development

For more information about EPA's compliance assurance activities, see <https://www.epa.gov/enforcement/enforcing-lead-laws-and-regulations>