

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6

1201 Elm Street, Suite 500
Dallas, Texas 75270

FILED

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REGIONAL HEARING CLERK
EPA REGION VI

In the Matter of

Lail Hamilton Shaw III,

Respondent.

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Docket No. TSCA-06-2022-6153

EXPEDITED SETTLEMENT AGREEMENT AND FINAL ORDER

1. The U.S. Environmental Protection Agency, Region 6 (EPA) alleges that Lail Hamilton Shaw III (Respondent), has violated Section 409 of the Toxic Substances Control Act (TSCA), 15 U.S.C. § 2689, by failing to comply with the regulatory requirements of 40 C.F.R. Part 745, Subpart F, Disclosure of Known Lead-Based Paint and/or Lead-Based Paint Hazards Upon Sale or Lease of Residential Property (Lead-Based Paint Disclosure Rule), promulgated pursuant to Section 1018 of the Residential Lead-Based Paint Hazard Reduction Act of 1992, 42 U.S.C. § 4852d.

2. The EPA is authorized to enter into this Expedited Settlement Agreement (ESA) for the assessment of civil penalties initiated pursuant to Section 16(a) of TSCA, 15 U.S.C. § 2615(a). This action is simultaneously commenced and concluded pursuant to Rules 22.13(b) and 22.18(b)(2) of the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits, 40 C.F.R. §§ 22.13(b) and 22.18(b)(2).

Alleged Violations

3. Pursuant to 40 C.F.R. § 745.107(a)(1), the seller or lessor shall provide the purchaser or lessee with an EPA-approved lead hazard information pamphlet before the purchaser or lessee is obligated under any contract to purchase or lease target housing that is not an otherwise exempt transaction. Respondent failed to provide the lessees of each of the five (5) Baton Rouge, Louisiana properties (715 Spanishtown; 701 Spanishtown; 542 N 8th; 685 N 8th; 655 N 8th) (the "Properties") with the EPA-approved lead hazard information pamphlet before the lessees were obligated under the contract to lease each of the Properties. Respondent's failure to provide the EPA-approved lead hazard information pamphlet to each of the five (5) lessees of the Properties is a violation of 40 C.F.R. § 745.107(a)(1) and Section 409 of TSCA, 15 U.S.C. § 2689.

4. Pursuant to 40 C.F.R. § 745.113(b)(4), each contract to lease target housing shall include, as an attachment or within the contract, a statement by the lessee affirming receipt of the information required by 40 C.F.R. §§ 745.113(b)(2) and (b)(3) and the lead hazard pamphlet required under 15 U.S.C. § 2686. Respondent failed to include in each of the five (5) contracts to lease the Properties, as an attachment or within the contract, a statement by the lessee affirming receipt of the information required by 40 C.F.R. §§ 745.113(b)(2) and (b)(3) and the lead hazard pamphlet required under 15 U.S.C. § 2686. Respondent's failure to include a statement by the lessee affirming receipt of the information required by 40 C.F.R. §§ 745.113(b)(2) and (b)(3) and the lead hazard pamphlet required under 15

U.S.C. § 2686 in each of the five (5) contracts for lease of the Properties is a violation of 40 C.F.R. § 745.113(b)(4) and Section 409 of TSCA, 15 U.S.C. § 2689.

Settlement

5. The EPA and Respondent agree that settlement of this matter for a civil penalty of Two Thousand Twenty Dollars (\$2,020) is in the public interest.

6. Respondent shall pay the penalty in four payments of Five Hundred and Five Dollars (\$505). The four payments include a Five-Dollar (\$5) interest payment based on the Treasury Current Value of Funds Rate. Within sixty (60) days of the effective date of this ESA, Respondent shall make the first payment, with subsequent payments due on or before February 1, 2023, June 1, 2023, and October 1, 2023. Such payment shall identify Respondent by name and docket number and shall be by certified or cashier's check made payable to the "United States Treasury" and sent to:

U.S. Environmental Protection Agency
Fines and Penalties
Cincinnati Finance Center
P. O. Box 979077
St. Louis, MO 63197-9000

or by alternate payment method described at <http://www.epa.gov/financial/makepayment>.

7. Respondent shall forward, by electronic mail, a copy of the payment with a certification that, regarding the violations alleged herein, Respondent is in compliance with the *Lead-Based Paint Disclosure Rule* to:

Lorena S. Vaughn
Regional Hearing Clerk
U.S. Environmental Protection Agency, Region 6
1201 Elm Street, Suite 500 (ORC)
Dallas, Texas 75270-2102
vaughn.lorena@epa.gov; and

Stan Lancaster
Enforcement and Compliance Assurance Division
Toxics Enforcement Section
U.S. Environmental Protection Agency, Region 6
1201 Elm Street, Suite 500 (ECDST)
Dallas, Texas 75270-2101
lancaster.stan@epa.gov

8. In signing this Agreement, Respondent: (a) admits that Respondent is subject to the requirements in Paragraphs 3 and 4, above; (b) admits that EPA has jurisdiction over Respondent and Respondent's conduct as alleged herein; (c) neither admits nor denies the factual allegations contained herein; (d) consents to the assessment of this penalty; and (e) waives any and all remedies, claims for relief and other available rights to judicial or administrative review Respondent may have with respect to any issue of fact or law set forth in this ESA, including the opportunity for a hearing or appeal

9. pursuant to TSCA and 40 C.F.R. Part 22 and any right of judicial review under Chapter 7 of the Administrative Procedure Act, 5 U.S.C. §§ 701 -706.

10. By its signature below, Respondent certifies, subject to civil and criminal penalties for making a false submission to the United States Government, that Respondent: (a) has corrected the alleged violation and is in compliance with the regulations at 40 C.F.R. Part 745; (b) agrees to provide payment of the civil penalty set forth above; (c) agrees to submit a true and accurate proof of payment of said civil penalty as set forth in above; and (d) agrees to release said payment to EPA upon entry of the Final Order attached hereto.

11. Upon the effective date of this Agreement and subsequent payment of the civil penalty, Respondent shall only be resolved of liability for federal civil penalties for the violations and facts alleged herein.

12. No portion of the civil penalty or interest paid by Respondent pursuant to the requirements of this Agreement shall be claimed by Respondent as a deduction for federal, state, or local income tax purposes.

13. This Agreement does not affect the rights of EPA or the United States to pursue appropriate injunctive relief or other equitable relief or criminal sanctions for any violations of law. EPA reserves its rights to take enforcement action for any other violations by Respondent of TSCA, any other federal statute or regulation, or this Agreement.

14. Failure to pay the assessed penalty may result in the referral of this matter to the United States Department of Justice for collection of the amount due plus stipulated penalties and interest at the statutory judgment rate provided in 28 U.S.C. § 1961.

15. Each party shall bear its own costs and fees, if any.

16. This Agreement, authorized by EPA's execution of the Final Order attached hereto, constitutes a final order under 40 C.F.R. Part 22.

17. This Agreement is binding on the parties signing below, and in accordance with 40 C.F.R. § 22.31(b), is effective upon filing.

18. The EPA and Respondent agree to the use of electronic signatures for this matter. The EPA and Respondent further agree to electronic service of this ESA, pursuant to 40 C.F.R. § 22.6, by email to the following addresses:

To EPA: george.elizabeth.a@epa.gov

To Respondent: lail3@icloud.com

FOR THE RESPONDENT:

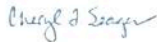
Name (print): _____

Title (print): _____

Signature: Lail Hamilton Shaw III Digitally signed by Lail Hamilton Shaw III
Date: 2022.08.22 13:05:17 -05'00'

Date: Lail Hamilton Shaw III Digitally signed by Lail Hamilton Shaw III
Date: 2022.08.22 13:06:03 -05'00'

FOR THE EPA:



Digitally signed by CHERYL SEAGER
Date: 2022.08.22 18:02:31 -05'00'

Cheryl T. Seager
Director
Enforcement and
Compliance Assurance Division
U.S. EPA, Region 6

FINAL ORDER

Pursuant to the authority of Section 16 of Toxic Substances Control Act, 15 U.S.C. § 2615, and according to the terms of this Agreement, IT IS HEREBY ORDERED THAT:

1. Respondent shall comply with all terms of the Expedited Settlement Agreement;
2. Respondent is assessed a civil penalty of Two Thousand Twenty Dollars (\$2,020); and
3. Respondent shall make payment of the civil penalty in accordance with the payment provisions set forth in the Expedited Settlement Agreement.

This Agreement shall be effective upon the filing of the Final Order by the Regional Hearing Clerk for the EPA, Region 6. Unless otherwise stated, all time periods stated herein shall be calculated in calendar days from such date.

IT IS SO ORDERED.

THOMAS RUCKI

Digitally signed by THOMAS RUCKI
DN: c=US, o=U.S. Government, ou=Environmental Protection
Agency, cn=THOMAS RUCKI,
0.9.2342.19200300.100.1.1=68001003655804
Date: 2022.08.23 13:19:27 -04'00'

Thomas Rucki
Regional Judicial Officer
U.S. Environmental Protection Agency, Region 6

CERTIFICATE OF SERVICE

I hereby certify, on the date identified below, a true and correct copy of the foregoing Expedited Settlement Agreement was delivered to the Regional Hearing Clerk, U.S. EPA Region 6 (ORC), 1201 Elm Street, Suite 500, Dallas, Texas 75270-2102, and that a true and correct copy was sent this day in the following manner to the addressees:

Copy via Email to EPA:

george.elizabeth.a@epa.gov

Copy via Email to Respondent:

lail3@icloud.com

**ELIZABETH
GEORGE**

Digitally signed by ELIZABETH
GEORGE
Date: 2022.08.23 08:59:15
-05'00'

Signed
Unites States Environmental Protection Agency,
Region 6