

EPA ENFORCEMENT ACCOUNTS RECEIVABLE CONTROL NUMBER FORM

TO BE FILLED OUT BY ORIGINATING OFFICE:

(Attach a copy of the final order and transmittal letter to Defendant/Respondent)

This form was originated by: JIM HEENATH 3/24/11
Name of Contact person Date

in the EPA-3 ORC at 215-814-2640
Office Phone number

- Non-SF Jud. Order/Consent Decree. DOJ COLLECTS
- Administrative Order/Consent Agreement FMD COLLECTS PAYMENT
- SF Jud. Order/Consent Decree. FMD COLLECTS
- This is an original debt
- This is a modification

Name of Person and/or Company/Municipality making the payment
REGINA BENNETT

The Total Dollar Amount of Receivable \$ 4,900 IN 2 PAYMENTS (SEE ATTACHED)
(If in installments, attach schedule of amounts and respective due dates)

The Case Docket Number TSCA-03-2010-0407

The Site-Specific Superfund Acct. Number NA

The Designated Regional/HQ Program Office LAND AND CHEMICALS DIV TOXIC PROGRAMS BRANCH

TO BE FILLED OUT BY LOCAL FINANCIAL MANAGEMENT OFFICE:

The IFMS Accounts Receivable Control Number _____
If you have any questions call: _____
Name of Contact Date
in the Financial Management Office, phone number: _____

JUDICIAL ORDERS: Copies of this form with an attached copy of the front page of the final judicial order should be mailed to:

- 1. Rosemarie Pacheco
Environmental Enforcement Section
Lands Division, Room 130044
1425 New York Avenue, N.W.
Washington, D.C. 20005
- 2. Originating Office (ORC)
- 3. Designated Program Office

ADMINISTRATIVE ORDERS: Copies of this form with an attached copy of the front page of the administrative order should be sent to:

- 1. Originating Office
- 2. Designated Program Office
- 3. Regional Hearing Clerk
- 3. Regional Counsel

effect on ability to continue to do business, any history of prior such violations, the degree of culpability, and such other matters as justice may require. These factors were applied to the particular facts and circumstances of this case with specific reference to EPA's *Section 1018 - Disclosure Rule Enforcement Response and Penalty Policy* (December 2007).

13. The civil penalty of Four Thousand Nine Hundred Dollars (\$4,900.00) set forth in Paragraph 11, above, may be paid in two (2) installments with interest at the rate of one percent (1%) per annum on the outstanding principal balance in accordance with the following schedule:
- a. 1st Payment: The first payment in the amount of two thousand four hundred and fifty dollars (\$2,450.00), consisting of a principal payment of \$2,450 and an interest payment of \$0.00, shall be paid within thirty (30) days after the date on which a copy of this Consent Agreement and Final Order is mailed or hand-delivered to Respondent.
 - b. 2nd Payment: The second payment in the two thousand four hundred and fifty-two dollars and one cent (\$2,452.01), consisting of a principal payment of \$2,450 and an interest payment of \$2.01, shall be paid within sixty (60) days after the date on which a copy of this Consent Agreement and Final Order is mailed or hand-delivered to Respondent.

Pursuant to the above schedule, Respondent will remit total principle payments for the civil penalty in the amount of four thousand and nine hundred dollars (\$4,900.00) and total interest payments in the amount of two dollars and one cent (\$2.01).

14. If Respondent fails to make one of the installment payments in accordance with the schedule set forth in Paragraph 13, above, the entire unpaid balance of the penalty and all accrued interest shall become due immediately upon such failure, and Respondent shall *immediately* pay the entire remaining principal balance of the civil penalty along with any interest that has accrued up to the time of such payment. In addition, Respondent shall be liable for and shall pay administrative handling charges and late payment penalty charges as described in Paragraphs 20, and 21, below, in the event of any such failure or default.
15. Notwithstanding Respondent's agreement to pay the assessed civil penalty in accordance with the installment schedule set forth in Paragraph 13, above, Respondent may pay the entire civil penalty of four thousand nine hundred dollars (\$4,900.00) within thirty (30) calendar days after the date on which a copy of this Consent Agreement and Final Order is mailed or hand-delivered to Respondent and, thereby, avoid the payment of interest pursuant to 40 C.F.R. § 13.11(a) as described in Paragraph 19, below. In addition, Respondent may, at any time after commencement of payments under the installment schedule, elect to pay the entire principal balance, together with accrued interest to the date of such full payment.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

In the Matter of:

REGINA BENNETT,

Respondent

)
)
) Docket No. TSCA-03-2010-0407
)
)

PREHEARING STATUS REPORT

Pursuant to the March 17, 2011 Prehearing Order issued by Chief Administrative Law Judge Susan L. Biro, Complainant is filing this Prehearing Status Report for the above-captioned case.

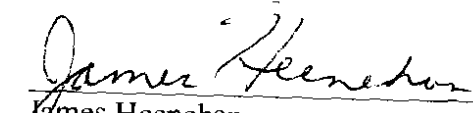
Complainant reports that the parties have entered into a Consent Agreement and Final Order ("CAFO") which was filed with the Regional Judicial Officer on March 29, 2011. A copy of the CAFO is enclosed with this mailing. Although the parties did not finalize and sign the CAFO until after the conclusion of Alternative Dispute Resolution ("ADR"), the parties want to acknowledge the assistance of Administrative Law Judge Nissen who helped the parties in reaching this settlement as the ADR Third Party Neutral.

Complainant has conferred with Respondent and can represent that Respondent concurs with the statements in this Settlement Status Report.

Respectfully submitted,

Date:

3/29/11


James Heenehan
Sr. Assistant Regional Counsel
U.S. EPA Region III

cc: D. Denenberg, Esq.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

Via UPS

David Denenberg, Esq.
1315 Walnut St.
12th Floor
Philadelphia, PA 19107

March 29, 2011

Re: Regina Bennett
Consent Agreement
Docket No. TSCA-03-2010-0407

Dear David:

I have enclosed the a true and correct copy of the Consent Agreement and Final Order resolving the TSCA Lead Disclosure violations by your client, Regina Bennett, cited in the Region's Administrative Complaint and Notice of Opportunity for a Hearing ("Complaint") issued to your client on September 30, 2010, concerning her residential rental property at 6516 North 7th Street, Philadelphia, Pennsylvania, as well as a copy of the Prehearing Status Report.

I appreciate all your help in bringing this to a resolution. Feel free to contact me if you have any other questions on this or any other environmental matter.

Sincerely,

A handwritten signature in black ink that reads "Jim Heenehan".

Jim Heenehan
Sr. Assistant Regional Counsel

cc: A. Hoyt (3LC61)



Printed on 100% recycled/recyclable paper with 100% post-consumer fiber and process chlorine free.
Customer Service Hotline: 1-800-438-2474

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION III

In the Matter of:

Regina Bennett
1496 Coralberry Court
Jamison, Pennsylvania 18929

:
:
:
: U.S. EPA Docket No.
: TSCA-03-2010-0407
:
:
:

RESPONDENT.

6516 North 7th St., Philadelphia, PA 19126

: Proceeding Under Section 16(a)
: of the Toxic Substances Control Act
: ("TSCA"), 15 U.S.C. § 2615(a).
:
:
:

TARGET HOUSING.

CERTIFICATE OF SERVICE

I certify that on the date noted below, I hand-delivered to the Regional Hearing Clerk (3RC00), U.S. EPA Region III, 1650 Arch St., Philadelphia, PA, 19103, the original and one true and correct copy of the Consent Agreement and Final Order between Complainant and Respondent Regina Bennett and Prehearing Status Report for the above-referenced matter and that I sent or delivered a true and correct copy of same to the below parties as indicated below:

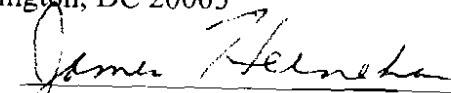
For Respondent Regina Bennett:

UPS Overnight Mail: David Dcnenberg, Esq.
1315 Walnut St.
12th Floor
Philadelphia, PA 19107

For the Presiding Officer:

UPS Overnight Mail: The Honorable Susan L. Biro, Chief Administrative Law Judge
Office of Administrative Law Judges
U.S. Environmental Protection Agency
1099 14th Street, N.W., Suite 350
Washington, DC 20005

Dated: 3/29/11


James Heenehan
Sr. Assistant Regional Counsel (3RC30)
U.S. EPA - Region III
1650 Arch Street
Philadelphia, PA 19103-2029



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

Via UPS

Honorable Susan L. Biro
Chief Administrative Law Judge
Office of Administrative Law Judges
U.S. Environmental Protection Agency
1099 14th Street, N.W., Suite 350
Washington, DC 20005

March 29, 2011

Re: *In the Matter of Regina Bennett*
Docket No. TSCA-03-2020-0407

Dear Judge Biro:

I have enclosed a copy of the Consent Agreement and Final Order resolving the Complaint filed in the above-referenced matter, as well as a Status Report confirming such settlement as directed by your March 17, 2011 Prehearing Order.

Sincerely,

A handwritten signature in cursive script that reads "James Heenehan".

James Heenehan
Sr. Assistant Regional Counsel
EPA Region III

cc: D. Denenberg, Esq.

**BEFORE THE UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION III**

In the Matter of:

**Regina Bennett
1496 Coralberry Court
Jamison, Pennsylvania 18929**

RESPONDENT.

6516 North 7th St., Philadelphia, PA 19126

TARGET HOUSING.

:
:
:
: **U.S. EPA Docket No.**
: **TSCA-03-2010-0407**
:
: **Proceeding under Section**
: **16(a) of the Toxic Substances**
: **Control Act ("TSCA"),**
: **15 U.S.C. § 2615(a).**

CONSENT AGREEMENT

I. PRELIMINARY STATEMENT

1. This Consent Agreement is entered into by the Director of the Land and Chemicals Division, U. S. Environmental Protection Agency, Region III ("Complainant") and Regina Bennett ("Respondent") pursuant to Sections 409 and 16(a) of the Toxic Substances Control Act ("TSCA"), 15 U.S.C. §§ 2689 and 2615(a), the federal regulations set forth at 40 C.F.R. Part 745, Subpart F (the "Disclosure Rule"), and the *Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits* ("Consolidated Rules of Practice"), 40 C.F.R. Part 22.
2. The claims settled herein pertain to the Respondent's alleged failure to comply with requirements of the Residential Lead-Based Paint Hazard Reduction Act of 1992 ("RLBPHRA"), 42 U.S.C. §§ 4851 *et seq.*, and regulations promulgated thereunder, at 40 C.F.R. Part 745, Subpart F, as set forth in the Administrative Complaint and Notice of Opportunity for a Hearing ("Complaint") signed by Complainant on September 29, 2010 and filed by Complainant against Respondent on September 30, 2010, concerning the lease transaction dated March 5, 2008 for the Target Housing unit at 6516 North 7th Street, Philadelphia, Pennsylvania. Such statutory and regulatory provisions are enforceable pursuant to RLBPHRA Section 1018(b)(5), 42 U.S.C. § 4852d(b)(5), and Section 409 of TSCA, 15 U.S.C. § 2689.

II. JURISDICTION

3. The U.S. Environmental Protection Agency ("EPA") and the Office of Administrative Law Judges of the EPA have jurisdiction over the above-captioned matter pursuant to Sections 16 and 409 of TSCA, 15 U.S.C. §§ 2615 and 2689, Section 1018 of Title X of

the RLBPHRA, 42 U.S.C. § 4852d, 40 C.F.R. Part 745, Subpart F, and 40 C.F.R. §§ 22.1(a)(5) and 22.4 of the *Consolidated Rules of Practice*.

III. GENERAL PROVISIONS

4. For purposes of this proceeding, Respondent admits the jurisdictional allegations set forth in the Complaint, in this Consent Agreement, and in the attached Final Order.
5. Except as provided in Paragraph 4, immediately above, for the purposes of this proceeding only, Respondent neither admits nor denies the specific factual allegations set forth in the Complaint and this Consent Agreement.
6. Respondent agrees not to contest the jurisdiction of EPA with respect to the execution of this Consent Agreement, the issuance of the attached Final Order (collectively, the "CAFO"), or the enforcement thereof.
7. For purposes of this proceeding only, Respondent hereby expressly waives any right to contest any issue of law or fact set forth in the Complaint or this Consent Agreement and any right to appeal the accompanying Final Order.
8. Respondent consents to the issuance of this CAFO and agrees to comply with its terms and conditions.
9. Each Party to this Consent Agreement shall bear its own costs and attorney's fees.

IV. FINDINGS OF FACT AND CONCLUSIONS OF LAW

10. The Findings of Fact and Conclusions of Law set forth in the Complaint are incorporated into this Consent Agreement as if fully set forth at length herein.

V. CIVIL PENALTY

11. Respondent agrees to pay a civil penalty in the amount of Four Thousand Nine Hundred Dollars (\$4,900.00), in settlement and satisfaction of all claims for civil penalties which Complainant may have against Respondent under Section 16(a) of TSCA, 15 U.S.C. § 2615(a) for the specific violations alleged in the Complaint. Such civil penalty shall become due and payable immediately upon Respondent's receipt of a true and correct copy of the CAFO, subject to Paragraph 13 below. In order to avoid the assessment of interest, administrative costs and late payment penalties in connection with such civil penalty, Respondent must pay such civil penalty no later than thirty (30) calendar days after the date on which this CAFO is mailed or hand-delivered to Respondent.
12. The Parties agree and represent that the aforesaid settlement amount is reasonable and is based upon Complainant's consideration of a number of factors, including the penalty criteria set forth in Section 16 of TSCA, 15 U.S.C. § 2615, *i.e.*, the nature, circumstances, extent and gravity of the violations, and with respect to the Respondent, ability to pay,

effect on ability to continue to do business, any history of prior such violations, the degree of culpability, and such other matters as justice may require. These factors were applied to the particular facts and circumstances of this case with specific reference to EPA's *Section 1018 - Disclosure Rule Enforcement Response and Penalty Policy* (December 2007).

13. The civil penalty of Four Thousand Nine Hundred Dollars (\$4,900.00) set forth in Paragraph 11, above, may be paid in two (2) installments with interest at the rate of one percent (1%) per annum on the outstanding principal balance in accordance with the following schedule:
- a. 1st Payment: The first payment in the amount of two thousand four hundred and fifty dollars (\$2,450.00), consisting of a principal payment of \$2,450 and an interest payment of \$0.00, shall be paid within thirty (30) days after the date on which a copy of this Consent Agreement and Final Order is mailed or hand-delivered to Respondent.
 - b. 2nd Payment: The second payment in the two thousand four hundred and fifty-two dollars and one cent (\$2,452.01), consisting of a principal payment of \$2,450 and an interest payment of \$2.01, shall be paid within sixty (60) days after the date on which a copy of this Consent Agreement and Final Order is mailed or hand-delivered to Respondent.

Pursuant to the above schedule, Respondent will remit total principle payments for the civil penalty in the amount of four thousand and nine hundred dollars (\$4,900.00) and total interest payments in the amount of two dollars and one cent (\$2.01).

14. If Respondent fails to make one of the installment payments in accordance with the schedule set forth in Paragraph 13, above, the entire unpaid balance of the penalty and all accrued interest shall become due immediately upon such failure, and Respondent shall *immediately* pay the entire remaining principal balance of the civil penalty along with any interest that has accrued up to the time of such payment. In addition, Respondent shall be liable for and shall pay administrative handling charges and late payment penalty charges as described in Paragraphs 20, and 21, below, in the event of any such failure or default.
15. Notwithstanding Respondent's agreement to pay the assessed civil penalty in accordance with the installment schedule set forth in Paragraph 13, above, Respondent may pay the entire civil penalty of four thousand nine hundred dollars (\$4,900.00) within thirty (30) calendar days after the date on which a copy of this Consent Agreement and Final Order is mailed or hand-delivered to Respondent and, thereby, avoid the payment of interest pursuant to 40 C.F.R. § 13.11(a) as described in Paragraph 19, below. In addition, Respondent may, at any time after commencement of payments under the installment schedule, elect to pay the entire principal balance, together with accrued interest to the date of such full payment.

16. Respondent shall remit each installment payment for the civil penalty and interest, pursuant to Paragraph 13, above, and/or the full penalty, pursuant to Paragraphs 11, 14 or 15, above, plus any interest, administrative fees and late payment penalties, in accordance with Paragraphs 19, 20, and 21, below, by either cashier's check, certified check, or electronic wire transfer, in the following manner:

a. All payments by the Respondent shall include Respondent's full name and address and the EPA Docket Number of this Consent Agreement (TSCA-03-2010-0407).

b. All checks shall be made payable to "United States Treasury".

c. All payments made by check and sent by regular mail shall be addressed to:

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

Contact: 513-487-2105

d. All payments made by check and sent by overnight delivery service shall be addressed for delivery to:

U.S. Bank
Government Lockbox 979077
U.S. EPA Fines & Penalties
1005 Convention Plaza
Mail Station SL-MO-C2-GL
St. Louis, MO 63101

Contact: 314-418-1028

e. All payments by electronic wire transfer shall be directed to:

Federal Reserve Bank of New York
ABA No. 021030004
Account No. 68010727
SWIFT address = FRNYUS33
33 Liberty Street
New York NY 10045

Field Tag 4200 of the Fedwire message should read
"D 68010727 Environmental Protection Agency"

- f. All electronic payments made through the automatic clearinghouse ("ACH"), also known as Remittance Express ("REX"), shall be directed to:

U.S. Treasury REX/Cashlink ACH Receiver
ABA No. 051036706
Account 310006, Environmental Protection Agency
CTX Format Transaction Code 22 – checking

Physical Location of U.S. Treasury facility:

5700 Rivertech Court
Riverdale, MD 20737

Contact: 301-887-6548 or REX, 1-866-234-5681

- g. On-line Payment Option:

WWW.PAY.GOV/PAYGOV

Enter "sfo 1.1" in the search field. Open and complete the form.

- h. Additional payment guidance is available at:
http://www.epa.gov/ocfo/finservices/make_a_payment.htm

17. At the time of payment, Respondent shall send notices of such payment, including a copy of the check, EFT authorization or ACH authorization, as appropriate to each of the following:

Lydia Guy
Regional Hearing Clerk
U.S. Environmental Protection Agency
Region III (Mail Code 3RC00)
1650 Arch Street
Philadelphia, PA 19103-2029

and

James Heenehan
Senior Assistant Regional Counsel
U.S. Environmental Protection Agency
Region III (Mail Code 3RC30)
1650 Arch Street
Philadelphia, PA 19103-2029

18. Pursuant to 31 U.S.C. § 3717 and 40 C.F.R. § 13.11, EPA is entitled to assess interest and late payment penalties on outstanding debts owed to the United States and a charge to cover the costs of processing and handling a delinquent claim, as more fully described

below. Accordingly, Respondent's failure to make timely payment as specified in this Consent Agreement and Final Order shall result in the assessment of late payment charges including interest, penalties, and/or administrative costs of handling delinquent debts.

19. Interest on the civil penalty assessed in this CAFO will begin to accrue on the date that a copy of this CAFO is mailed or hand-delivered to Respondent. However, EPA will not seek to recover interest on any amount of the civil penalty that is paid within thirty (30) calendar days after the date on which such interest begins to accrue. Interest will be assessed at the rate of the United States Treasury tax and loan rate in accordance with 40 C.F.R. § 13.11(a).
20. The costs of the Agency's administrative handling of overdue debts will be charged and assessed monthly throughout the period the debt is overdue. 40 C.F.R. § 13.11(b). Pursuant to Appendix 2 of EPA's *Resources Management Directives - Cash Management*, Chapter 9, EPA will assess a \$15.00 administrative handling charge for administrative costs on unpaid penalties for the first thirty (30) day period after the payment is due and an additional \$15.00 for each subsequent thirty (30) days the penalty remains unpaid.
21. A late payment penalty charge of six percent per year will be assessed monthly on any portion of the civil penalty which remains delinquent more than ninety (90) calendar days. 40 C.F.R. § 13.11(c). Should assessment of the penalty charge on the debt be required, it shall accrue from the first day payment is delinquent. 31 C.F.R. § 901.9(d).
22. Respondent agrees not to deduct for federal tax purposes the civil monetary penalty specified in this CAFO.

VI. CERTIFICATION OF COMPLIANCE

23. Respondent certifies to Complainant, upon investigation, to the best of her knowledge and belief, that Respondent currently is complying with the provisions of TSCA, and the regulations promulgated thereunder at 40 C.F.R. Part 745, Subpart F, that are referenced in the Complaint and this Consent Agreement.

VII. RESERVATION OF RIGHTS

24. This CAFO resolves only EPA's claims for civil penalties for the specific violations alleged against Respondent in the Complaint. EPA reserves the right to commence action against any person, including Respondent, in response to any condition which EPA determines may present an imminent and substantial endangerment to the public health, public welfare, or the environment. In addition, this settlement is subject to all limitations on the scope of resolution and to the reservation of rights set forth in Section 22.18(c) of the Consolidated Rules of Practice. Further, EPA reserves any rights and remedies available to it under TSCA, the regulations promulgated thereunder, and any other federal laws or regulations for which EPA has jurisdiction, to enforce the provisions

of this CAFO, following its filing with the Regional Hearing Clerk.

VIII. PARTIES BOUND

25. This CAFO shall apply to and be binding upon the EPA, Respondent and Respondent's successors, agents and assigns.

IX. FULL AND FINAL SATISFACTION

26. The settlement set forth herein shall constitute full and final satisfaction of all civil claims for penalties which Complainant may have pursuant to Section 16(a) of TSCA, 15 U.S.C. § 2615(a), for the specific violations alleged in the Complaint. Compliance with this CAFO shall not be a defense to any action commenced at any time for any other violation of the federal laws and regulations administered by EPA.

X. OTHER APPLICABLE LAWS

27. Nothing in this CAFO shall relieve Respondent of any duties otherwise imposed on it by applicable federal, state or local law and/or regulations.

XI. ENTIRE AGREEMENT

28. This Consent Agreement and the accompanying Final Order constitute the entire agreement and understanding of the parties regarding settlement of all claims pertaining to the specific violations alleged herein and there are no representations, warranties, covenants, terms, or conditions agreed upon between the parties other than those expressed in this CAFO.

XII. AUTHORITY TO BIND THE PARTIES

29. The person signing this Consent Agreement on behalf of Respondent certifies that he or she is fully authorized to enter into the terms and conditions of this Consent Agreement and to bind such Respondent hereto.

XIII. EFFECTIVE DATE

30. The effective date of this Consent Agreement and the accompanying Final Order is the date on which the Final Order, signed by the Regional Administrator of EPA Region III, or his designee and the Regional Judicial Officer, is filed with the EPA Regional Hearing Clerk pursuant to the Consolidated Rules of Practice.

For Respondent:

Date: 2/25/2011

By: Regina Bennett
Regina Bennett
Respondent

For Complainant:

Date: 3/22/11

By: James Heenehan
James Heenehan
Sr. Assistant Regional Counsel

Accordingly, I hereby recommend that the Regional Administrator, or his designee, the Regional Judicial Officer, issue the attached Final Order.

Date: 3/28/11

By: Abraham Ferdas
Abraham Ferdas, Director
for Land and Chemicals Division

**BEFORE THE UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION III**

In the Matter of:	:	
	:	
Regina Bennett	:	
1496 Coralberry Court	:	U.S. EPA Docket No.
Jamison, Pennsylvania 18929	:	TSCA-03-2010-0407
	:	
RESPONDENT.	:	
	:	Proceeding under Section
6516 North 7th St., Philadelphia, PA 19126	:	16(a) of the Toxic Substances
	:	Control Act ("TSCA"),
TARGET HOUSING.	:	15 U.S.C. § 2615(a).

FINAL ORDER

Complainant, the Director of the Land and Chemicals Division, U.S. Environmental Protection Agency - Region III, and Respondent, Regina Bennett, have executed a document entitled "Consent Agreement", which I hereby ratify as a Consent Agreement in accordance with *Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits ("Consolidated Rules of Practice")*, published at 40 C.F.R. Part 22. The terms of the foregoing Consent Agreement are accepted by the undersigned and incorporated into this Final Order as if set forth fully herein.

NOW, THEREFORE, PURSUANT TO Section 1018 of the Residential Lead-Based Paint Hazard Reduction Act of 1992 ("Lead Paint Disclosure Act"), 42 U.S.C. §§ 4851 *et seq.* and 40 C.F.R. Part 745, Subpart F, which authorizes the assessment of a civil penalty under Section 16 of TSCA, 15 U.S.C. § 2615, for violations of the Lead Paint Disclosure Act, and the *Consolidated Rules of Practice*, and having determined, based on the representations of the parties to the attached Consent Agreement, that the civil penalty agreed therein was based upon the factors set forth in Section 16(a)(2)(B) of TSCA, 15 U.S.C. § 2615(a)(2)(B), **IT IS HEREBY ORDERED** that Respondent pay a civil penalty of Four Thousand Nine Hundred Dollars (\$4,900.00), and comply with the terms and conditions of the attached Consent Agreement.

The effective date of this Final Order and the accompanying Consent Agreement is the date on which the Final Order, signed by the Regional Administrator of U.S. EPA Region III or the Regional Judicial Officer, is filed with the Regional Hearing Clerk of U.S. EPA - Region III.

Date: 3/29/11

By: Renee Sarajian
Renee Sarajian
Regional Judicial Officer
U.S. EPA, Region III