



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

77 WEST JACKSON BOULEVARD

CHICAGO, IL 60604-3590

AUG 16 2012

REPLY TO THE ATTENTION OF:

LC-8J

CERTIFIED MAIL

Receipt No.7009 1680 0000 7673 3489

Mr. Patrick Wilber
3201 N. Holton Street
Milwaukee, Wisconsin 53212

Consent Agreement and Final Order, In the Matter of Patrick Wilber, YaYa
Milwaukee, LLC and Sancho Properties, LLC. Docket No. TSCA-05-2011-0021⁰².

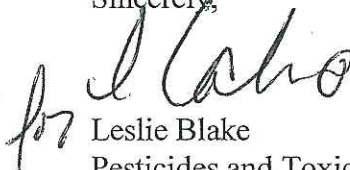
Dear Mr. Wilber:

I have enclosed a copy of an original fully executed Consent Agreement and Final Order in resolution of the above case. This document was filed on August 16, 2012, with the Regional Hearing Clerk.

The civil penalty in the amount of \$3,600 is to be paid in the manner described in paragraphs 10 and 11. Please be certain that the number **BD 2751247X019** and the docket number are written on both the transmittal letter and on the check. Payment is due by September 15, 2012, (within 30 calendar days of the filing date).

Thank you for your cooperation in resolving this matter.

Sincerely,



Leslie Blake
Pesticides and Toxics Compliance Section

Enclosures

cc: Eric Volck, Cincinnati Finance/MWD (w/Encl.)
Richard J. Clarizio, Counsel for Complainant/C-14J

RECEIVED

AUG 16 2012

REGIONAL HEARING CLERK
U.S. ENVIRONMENTAL
PROTECTION AGENCY

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5

In the Matter of:)	Docket No. TSCA-05-2011-0021
)	
Patrick Wilber)	
YaYa Milwaukee, LLC)	
Sancho Properties, LLC)	Proceeding to Assess a Civil Penalty
)	Under Section 16(a) of the Toxic Substances
)	Control Act, 15 U.S.C. § 2615(a)
Respondents.)	

Consent Agreement and Final Order

Preliminary Statement

1. Complainant, the Director of the Land and Chemicals Division, U.S. Environmental Protection Agency (EPA), Region 5, brought this administrative action seeking a civil penalty under Section 16(a) of the Toxic Substances Control Act (TSCA), 15 U.S.C. § 2615(a).

2. On September 26, 2011, EPA filed the Complaint in this action against Respondents Patrick Wilber, an individual, YaYa Milwaukee, LLC and Sancho Properties, LLC. The Complaint alleges that Respondents violated Section 1018(b)(5) of the Residential Lead-Based Paint Hazard Reduction Act of 1992, 42 U.S.C. § 4852d(b)(5); Section 409 of TSCA, 15 U.S.C. § 2689; and 40 C.F.R. §§ 745.113(b)(1), 745.113(b)(2), 745.113(b)(3), 745.113(b)(4) and 745.113(b)(6) in 16 contracts to lease target housing.

3. Respondents filed an Answer in this matter and requested a hearing in this matter.

Stipulations

4. Respondents admit the jurisdictional allegations in the Complaint and neither admit nor deny the factual allegations in the Complaint, other than those admitted in their Answer.

5. Respondents waive any right to contest the allegations in the Complaint and their



right to appeal this Consent Agreement and Final Order (CAFO).

6. Respondents certify that they are complying fully with the Residential Lead-Based Paint Hazard Reduction Act of 1992 and the regulations at 40 C.F.R. Part 745 and that the information they submitted to EPA related to their financial condition is true and accurate.

7. Respondents consent to the assessment of the civil penalty stated in this CAFO and to the terms of this CAFO.

8. The parties agree that settling this action without further litigation, upon the terms of this CAFO, is in the public interest.

Civil Penalties

9. Based upon consideration of Respondents' ability to pay, Respondents consent to the assessment and payment of a civil penalty of \$3,600.

10. Within 30 days after the effective date of this CAFO, Respondents must pay the \$3,600 civil penalty by sending a cashier's or certified check, by express mail, payable to "Treasurer, United States of America," to:

U.S. Bank
Government Lockbox 979077
U.S. EPA Fines and Penalties
Contact: Natalie Pearson
1005 Convention Plaza
Mail Station SL-MO-C2-GL
St. Louis, Missouri

The check must state the case title ("In the Matter of: Patrick Wilber, YaYa Milwaukee, LLC, and Sancho Properties, LLC"), the docket number of this CAFO, and the billing document number.

11. A transmittal letter stating Respondents' name, complete address, the case docket number, and the billing document number must accompany the payment. Respondents 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, Illinois 60604

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

Richard J. Clarizio (C-14J)
Office of Regional Counsel
U.S. EPA, Region 5
77 West Jackson Boulevard
Chicago, Illinois 60604

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

13. If Respondents do not pay the civil penalty timely, 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.

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

General Provisions

15. This CAFO resolves only Respondents' liability for federal civil penalties for the violations alleged in the Complaint.

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

17. This CAFO does not affect Respondents' responsibility to comply with the Residential Lead-Based Paint Hazard Reduction Act of 1992 and other applicable federal, state, and local laws.

18. The terms of this CAFO bind Respondents, and their successors and assigns.

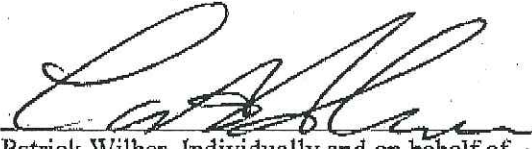
19. Each person signing this agreement certifies that he or she has the authority to sign for the party whom he or she represents and to bind that party to its terms.

20. Each party agrees to bear its own costs and attorney's fees in this action.

21. This CAFO constitutes and entire agreement between the parties.


Patrick Wilber, Respondent
YaYa Milwaukee, LLC, Respondent
Sancho Properties, LLC, Respondent

7/26/12
Date


Patrick Wilber, Individually and on behalf of
YaYa Milwaukee, LLC
Sancho Properties, LLC

United States Environmental Protection Agency, Complainant

8/9/12
Date


Margaret M. Guerriero
Director
Land and Chemicals Division



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U.S. ENVIRONMENTAL
PROTECTION AGENCY

In the Matter of:
Patrick Wilber, YaYa Milwaukee, LLC, and
Sancho Properties, LLC
Docket No. TSCA-05-2011-0021

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.

8-14-12

Date



Susan Hedman
Regional Administrator
United States Environmental Protection Agency
Region 5



CERTIFICATE OF SERVICE

This is to certify that the original and one copy of this Consent Agreement and Final Order in the resolution of the civil administrative action involving Patrick Wilber, YaYa Milwaukee, LLC and Sancho Properties, LLC, was filed on August 16, 2012, with the Regional Hearing Clerk (E-19J), U.S. EPA, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, and that a true correct copy was sent by Certified Mail, Receipt No.7009 1680 0000 7673 3489 to:

Mr. Patrick Wilber
3201 N. Holton Street
Milwaukee, Wisconsin 53212

and forwarded intra-Agency copies to:

Ann Coyle, Regional Judicial Officer, ORC/C-14J
Richard J. Clarizio, Counsel for Complainant/C-14J
Eric Volck, Cincinnati Finance/MWD



Frederick Brown, PTCS (LC-8J)
U.S. EPA - Region 5
77 West Jackson Boulevard
Chicago, Illinois 60604

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