



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

Via Facsimile & FedEx  
717-845-1546 (fax)

March 30, 2010

Mr. Albert G. Barnes, Esq.  
40 East Philadelphia St.  
York, PA 17401

In Re: In the Matter of: Bessie D. Jones, Docket No. TSCA-03-2006-0290

Dear Mr. Barnes:

Please find enclosed a true and correct copy of the Consent Agreement and Final Order that was filed today with the Regional Hearing Clerk in the matter referenced above. I understand that payment of the \$15,000 civil penalty has already been received by EPA.

I want to thank you and your client for helping to conclude this matter. Please feel free to contact me should you have any questions via phone (215-814-2689), fax (215-814-2601), or email ([sharke.janet@epa.gov](mailto:sharke.janet@epa.gov)).

Sincerely,

*Janet E. Sharke*  
for Janet E. Sharke  
Sr. Assistant Regional Counsel

cc: A. Skidmore





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

**REGULAR MAIL**

Lori Weidner  
U.S. Environmental Protection Agency  
Cincinnati Finance Center  
26 W. MLK Drive  
Cincinnati, OH 45268

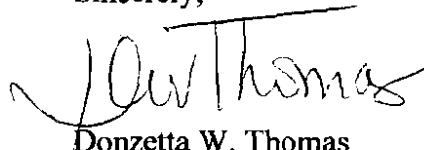
Re: Accounts Receivable  
In the Matter of Bessie D. Jones  
**Consent Agreement and Final Order**  
EPA Docket No. TSCA-03-2006-0290

Dear Ms. Weidner:

Enclosed please find a true and correct copy of the Consent Agreement and Final Order, and the Enforcement Accounts Receivable Control Number Form (EARCNF) filed with the Regional Hearing Clerk today in settlement of the above referenced subject matter.

Should you have any question or require further information, please feel free to call me at (215) 814-2474.

Sincerely,

  
Donzetta W. Thomas  
Sr. Asst. Regional Counsel

Enclosures

cc: Lydia Guy  
Regional Hearing Clerk  
U.S. EPA, Region III



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

**SUBJECT:** Bessie D. Jones  
Docket No. TSCA-03-2006-0290

**FROM:** Marcia E. Mulkey *M. Mulkey*  
Regional Counsel (3RC00) *M. Mulkey*

Abraham Ferdas, Director *Abraham Ferdas*  
Land and Chemicals Division (3LC00)

**TO:** Renée Sarajian  
Regional Judicial and Presiding Officer (3RC00)

We recommend that you sign the attached Final Order which accompanies the attached fully executed Consent Agreement. Upon filing, this CAFO will resolve alleged violations by Bessie D. Jones ("Respondent") of the Residential Lead-Based Paint Hazard Reduction Act of 1992 ("Act"), 42 U.S.C. § 4851 *et seq.*, and 40 C.F.R. Part 745, Subpart F ("Disclosure Rule"), in connection with sale and/or leasing of several pre-1978 residential dwellings in York, Pennsylvania. The CAFO, which, when filed, requires that Respondent pay a civil penalty of \$15,000. The penalty was calculated by considering the factors set forth in Section 16 of TSCA, 15 U.S.C. § 2615, and in accordance with EPA's December 20, 2007, "Section 1018 -- Disclosure Rule Enforcement Response and Penalty Policy."

cc: Albert G. Barnes, Esq.

01-11-2007 7:10



("Disclosure Rule"), which statutory and regulatory provisions are enforceable pursuant to Section 409 of TSCA, 15 U.S.C. § 2689.

### **I. General Provisions**

2. For purposes of this proceeding only, Respondent admits the jurisdictional allegations set forth in the Complaint.
3. Respondent admits each of the Findings of Fact and Conclusions of Law set forth in the Complaint and incorporated by reference herein.
4. Respondent agrees not to contest EPA's jurisdiction with respect to the execution of this CA, the issuance of the attached FO, or the enforcement thereof.
5. For the purposes of this proceeding only, Respondent hereby expressly waives her right to a hearing on any issue of law or fact set forth in the Complaint and any right to appeal the accompanying FO.
6. Respondent consents to the issuance of this CAFO and agrees to comply with its terms.
7. Respondent agrees not to deduct for federal tax purposes the civil monetary penalty specified in this CAFO.
8. Respondent shall bear her own costs and attorney's fees, if any.
9. This CAFO constitutes the entire agreement and understanding of the Parties concerning settlement of the above-captioned action and there are no representations, warranties, covenants, terms or conditions agreed upon between the Parties other than those expressed herein.
10. Respondent certifies that she currently is in full compliance with the Act, 42 U.S.C. §§ 4851 *et seq.*, and the Disclosure Rule codified at 40 C.F.R. Part 745, Subpart F.
11. Nothing in this CAFO shall alter or otherwise affect Respondent's obligation to comply with all applicable federal, state, and local environmental statutes and regulations.
12. Nothing in this CAFO shall constitute or be construed as a release of Respondent from any claim, cause of action, or demand in law or equity by any person, firm, partnership, or corporation not bound by this CAFO for any liability relating in any way to the presence of lead-based paint and/or lead-based paint hazards at or in any Target Housing which is the subject of this CAFO.
13. This Consent Agreement and the accompanying Final Order resolve only EPA's claims for civil monetary penalties for the specific violations set forth in the Complaint and

incorporated by reference herein. 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*. Further, EPA reserves any rights and remedies available to it under TSCA, the Act, 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 EPA Regional Hearing Clerk.

## **II. Findings of Fact and Conclusions of Law**

14. The Findings of Fact and Conclusions of Law set forth in Paragraphs 1 through 119 of the Complaint are incorporated into this Consent Agreement as if fully set forth herein.
15. Based on the Findings of Fact and Conclusions of Law incorporated herein, EPA concludes that Respondent violated the provisions of TSCA, the Act, and the Disclosure Rule.
16. As a result of EPA's conclusion that Respondent violated TSCA, the Act, and the Disclosure Rule, EPA has determined that Respondent is liable for a civil penalty.

## **III. Civil Penalty**

17. Respondent agrees to pay a civil penalty in the amount of Fifteen Thousand Dollars (\$15,000.00) in satisfaction of all civil claims for penalties which Complainant may have 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. 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.
18. The aforesaid settlement amount is based upon Complainant's consideration of the factors set forth in Section 16(a)(2)(B) of TSCA, 15 U.S.C. § 2615(a)(2)(B), which include the nature, circumstances, extent, and gravity of the violations and the violator's ability to pay, ability to continue in business, history of prior violations, and degree of culpability, and other matters as justice may require.
19. Payment of the civil penalty as required by Paragraph 17, above, shall be made by either cashier's check, certified check, or electronic wire transfer, in the following manner:
  - a. All payments by Respondent shall reference Respondent's name and address, and the Docket Number of this action: TSCA-03-2006-0290.
  - 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. EPA  
Fines and Penalties  
Cincinnati Finance Center  
P.O. Box 979077  
St. Louis, Mo 63197-9000

Contact: Eric Volck 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  
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 made by electronic wire transfer shall be directed to:

Federal Reserve Bank of New York  
ABA = 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 automatic clearinghouse ("ACH"), also known as remittance express ("REX"), shall be directed to:

US Treasury REX/Cashlink ACH Receiver  
ABA = 05136706  
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: Jessie White 301-887-6548 or REX, 1-866-234-5681

g. Online Payment Option:

[WWW.PAY.GOV/paygov/](http://WWW.PAY.GOV/paygov/)

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

h. Additional payment guidance is available at:

<http://www.epa.gov/ocfo/finservices/payment>

20. At the time of payment, Respondent shall send a notice of such payment, including a copy of the check, EFT authorization or ACH authorization, as appropriate to:

Ms. Lydia Guy  
Regional Hearing Clerk (3RC00)  
U.S. EPA, Region III  
1650 Arch Street  
Philadelphia, PA 19103-2029;

and

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

21. Pursuant to 31 U.S.C. § 3717 and 40 C.F.R. § 13.11, EPA is entitled to assess interest, administrative costs 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.

22. In accordance with 40 C.F.R. § 13.11(a), interest on any civil penalty assessed in a Consent Agreement and Final Order begins to accrue on the date that a true and correct copy of the Consent Agreement and Final Order is mailed or hand-delivered to the Respondent. However, EPA will not seek to recover interest on any amount of such 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 in accordance with 40 C.F.R. § 13.11(a).

23. The costs of the Agency's administrative handling of overdue debts will be charged and assessed monthly throughout the period a 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.

24. A late payment penalty of six percent per year will be assessed monthly on any portion of a 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 a debt be required, it shall accrue from the first day payment is delinquent. 31 C.F.R. § 901.9(d).
25. Payment of the penalty specified in Paragraph 17 herein shall constitute full and final satisfaction of Complainant's civil claims set forth in this CAFO.

**V. PARTIES BOUND**

26. This Consent Agreement and the accompanying Final Order shall apply to and be binding upon EPA, Respondent, and Respondent's successors, agents and assigns.

**VI. EFFECTIVE DATE**

27. The effective date of this CAFO is the date on which it is filed with the Regional Hearing Clerk after signature by the Regional Judicial Officer or Regional Administrator.

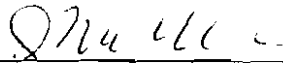
**For Respondent, Bessie D. Jones:**

Date: 10 March 2010

  
Bessie D. Jones

**For Complainant:**

Date: 3/22/2010



Janet E. Sharke  
Senior Assistant Regional Counsel  
U.S. EPA, Region III

After reviewing the foregoing Consent Agreement and other pertinent information, the Director of the Land and Chemicals Management Division, EPA Region III, recommends that the Regional Administrator or the Regional Judicial Officer issue the Final Order attached hereto.

Date: 3/29/10



Abraham Ferdas, Director  
Land and Chemicals Management Division  
U.S. EPA, Region III  
1650 Arch Street  
Philadelphia, Pennsylvania 19103-2029

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

**In the Matter of:**

**Bessie D. Jones  
144 Lafayette Street  
York, Pennsylvania 17403**

**Respondent,**

**412 South Pershing Avenue  
York, Pennsylvania 17401**

**422 South Pershing Avenue  
York, Pennsylvania 17401**

**129 Edgar Street  
York, Pennsylvania 17403**

**169 West Maple Street  
York, Pennsylvania 17401**

**Target Housing.**

**Docket No. TSCA-03-2006-0290**

**CONSENT AGREEMENT**

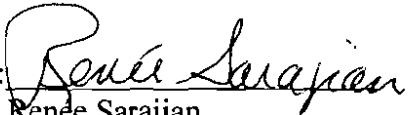
**FINAL ORDER**

The Director of the Land and Chemicals Management Division (formerly, "Waste and Chemicals Management Division"), U.S. Environmental Protection Agency, Region III, on behalf of Complainant, the Associate Director for Enforcement of the Waste and Chemicals Management Division, U.S. Environmental Protection Agency, Region III, and Respondent, Bessie D. Jones, have executed a document entitled "Consent Agreement", which I hereby ratify as a Consent Agreement in accordance with the *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 ("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 Act, and the *Consolidated Rules of Practice*, and having determined, based on the representations of the parties to the attached Consent Agreement, that the agreed civil penalty payment required 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 comply with the terms and conditions of the attached Consent Agreement and pay a civil penalty of Fifteen Thousand Dollars (\$15,000.00), as specified in the attached Consent Agreement.

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

Date: 3/30/10

By:   
Renee Sarajian  
Regional Judicial Officer  
United States Environmental Protection Agency  
Region III

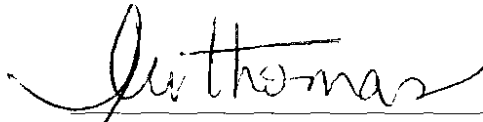
**CERTIFICATE OF SERVICE**

I hereby certify that on the date set forth below, I hand-delivered to the Regional Hearing Clerk of the U.S. Environmental Protection Agency, Region III, the original and one copy of the foregoing Consent Agreement and Final Order (Docket No. TSCA-03-2006-0290).

I further certify that on the date set forth below, I caused a true and correct copy of the Consent Agreement and Final Order to be transmitted via facsimile and United Parcel Service to the following addressee:

Albert G. Barnes, Esq.  
Attorney at Law  
40 East Philadelphia Street  
York, PA 17401

3/3-10  
Date



Donzetta W. Thomas  
Senior Assistant Regional Counsel  
Office of Regional Counsel (3RC30)  
U.S. EPA, Region III  
1650 Arch Street  
Philadelphia, PA 19103-2029