

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: L. RAMALHO
Name of Contact person

5-16-11
Date

in the ORC
Office

at X 2691
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
Amocesa Beckfords; Beckfords Rentals, Inc.

The Total Dollar Amount of Receivable \$ 6,000.00

(If in installments, attach schedule of amounts and respective due dates)

The Case Docket Number TSCA-03-2011-0029

The Site-Specific Superfund Acct. Number _____

The Designated Regional/HQ Program Office _____

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
3. Regional Hearing Clerk

2. Designated Program Office
3. Regional Counsel

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

FIRST CLASS MAIL

May 23, 2011

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

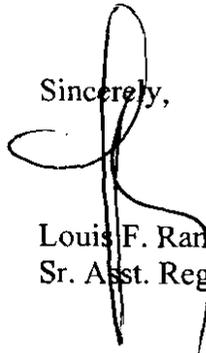
Re: Accounts Receivable
Consent Agreement and Final Order
EPA Docket No. TSCA-03-2011-0029

Dear Mr. Lehman :

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

Should you have any question or require further information, please feel free to call me at (215) 814-2681.

Sincerely,



Louis F. Ramalho
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 19103-2029

FACSIMILE TRANSMISSION &
POUCH MAIL

May 23, 2011

The Honorable Spencer T. Nissen (via pouch-mail)
Office of Administrative Law Judges
U.S. Environmental Protection Agency
Mail Code 1900L
1200 Pennsylvania Ave., N.W.
Washington, DC 20460 - 2001

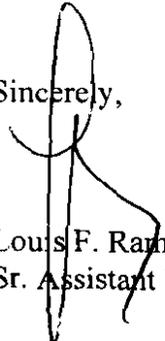
Re: Consent Agreement and Final Order
In the Matter of *Amocetia Beckford, and Beckford Rentals, Inc.*
Docket No. : TSCA-03-2011-0029

Dear Judge Nissen:

Enclosed please find a true and correct copy of Consent Agreement and Final Order the original of which was filed today with the Regional Hearing Clerk, EPA, Region III.

Should you have any questions or require further information, please contact me at (215) 814-2681.

Sincerely,


Louis F. Ramalho
Sr. Assistant Regional Counsel

cc: Regional Hearing Clerk
EPA, Region III

Dominic A. DeCecco, Esquire
Hartman Shurr
1100 Berkshire Blvd., P.O. Box 5828
Wyomissing, PA 19610

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

SUBJECT: In the Matter of: Amocetia Beckford
and Beckford Rentals, Inc.
EPA Docket No. TSCA-03-2011-0029
Consent Agreement and Final Order

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

and

Abraham Ferdas, Director
Land & Chemicals Division (3LC00)

TO: Renée Sarajian
Regional Judicial Officer (3RC00)

This Consent Agreement and Final Order ("CAFO") has been negotiated in settlement of certain violations by Amocetia Beckford and Beckford Rentals, Inc. ("Respondents"), of Section 1018 of the Residential Lead-Based Paint Hazard Reduction Act of 1992, 42 U.S.C. §§ 4852d *et seq.* ("RLBPHRA"), and the regulations promulgated thereunder, as set forth in 40 C.F.R. Part 745, Subpart F (the "Disclosure Rule"), which statutory and regulatory provisions are enforceable pursuant to Section 409 of TSCA, 15 U.S.C. § 2689. Respondent, Amocetia Beckford, was the "owner" and "lessor," and Respondent, Beckford Rentals, Inc., was the "agent", as these terms are defined at 40 C.F.R. § 745.103, of pre-1978 residential rental property ("Target Housing") during all times relevant to the alleged violations addressed in the Complaint filed against the Respondents on December 20, 2010. Please refer to the Complaint for further details concerning the alleged violations.

Under the terms of the CAFO, Respondents will pay a civil penalty in the amount of \$6,000.00 in accordance with the terms and conditions of the CAFO.

The proposed settlement is based upon consideration of a number of factors, including, but not limited to, the statutory factors set forth in Section 16(a)(2)(B) of TSCA, 15 U.S.C. § 2615(a)(2)(B), requiring EPA to consider the nature, circumstances, extent, and gravity of the violations, the violator's ability to pay, ability to continue in business, history of prior violations, degree of culpability and other factors as justice may require, and in accordance with EPA's February 2000 *Section 1018 Disclosure Rule Enforcement Response Policy*. In addition, the proposed settlement also takes into consideration *EPA's Supplemental Environmental Projects In*

Administrative Enforcement Matters Involving Section 1018 Lead-Based Paint Cases, dated November 23, 2004.

We recommend that you sign the attached Final Order and return it to the Office of Regional Counsel for further processing.

Attachment

cc: Dominic A. DeCecco, Esq.
Counsel for Respondents

4. For the purposes of this proceeding only, Respondents hereby expressly waive their right to a hearing on any issue of law or fact set forth in the Complaint or herein and any right to appeal the accompanying FO.
5. Respondents consent to the issuance of this CAFO and agree to comply with its terms. Respondents agree not to contest EPA's jurisdiction with respect to the execution of this CA, the issuance of the attached FO, or the enforcement thereof.
6. Respondents shall not deduct for civil taxation purposes the civil penalty specified in this CAFO.
7. Respondents shall bear their own costs and attorney's fees, if any.
8. The provisions of this CAFO shall be binding upon Respondents. The representative of the Respondents certifies that she is fully authorized to enter into the terms and conditions of this Consent Agreement and bind each Respondent hereto.
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. Respondents certify that they are currently in full compliance with RLBPHRA, 42 U.S.C. §§ 4851 *et seq.*, and the Disclosure Rule codified at 40 C.F.R. Part 745.
11. Nothing in this CAFO shall alter or otherwise affect Respondents' obligation to comply with all applicable federal, state, and local environmental statutes and regulations.

Notice of Action to the Commonwealth of Pennsylvania

12. EPA has given the Commonwealth of Pennsylvania prior notice of the issuance of this CAFO.

Civil Penalty

13. Respondents agree to pay the amount of Six Thousand Dollars (\$6,000.00) 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 Respondents' receipt of a true and correct copy of the CAFO.
14. The civil penalty of Six Thousand Dollars (\$6,000.00) set forth in Paragraph 13, above, shall be paid in four (4) installments with interest at the rate of one percent (1%) per annum on the outstanding principal balance in accordance with the following schedule:

1st Payment: The first payment in the amount of One Thousand Five Hundred Dollars (\$1,500.00), consisting of a principal payment of \$1,500.00

and an interest payment of \$0.00, shall be paid within thirty (30) days of the date on which this CAFO is mailed or hand-delivered to Respondents;

2nd Payment: The second payment in the amount of One Thousand Five Hundred Eleven Dollars and Ten Cents (\$1,511.10), consisting of a principal payment of \$1,500.00 and an interest payment of \$11.10, shall be paid within one hundred twenty (120) days on which this CAFO is mailed or hand-delivered to Respondents;

3rd Payment: The third payment in the amount of One Thousand Five Hundred Seven Dollars and Forty Cents (\$1,507.40), consisting of a principal payment of \$1,500.00 and an interest payment of \$7.40, shall be paid within two hundred ten (210) days of the date on which this CAFO is mailed or hand-delivered to Respondents; and

4th Payment: The fourth and final payment in the amount of One Thousand Five Hundred Three Dollars and Seventy Cents (\$1,503.70), consisting of a principal payment of \$1,500.00 and an interest payment of \$3.70, shall be paid within three hundred (300) days of the date on which this CAFO is mailed or hand-delivered to Respondents.

15. Pursuant to the above schedule, Respondents will remit total principal payments for the civil penalty in the amount of Six Thousand Dollars (\$6,000.00) and total interest payments in the amount of Twenty-Two Dollars and Twenty Cents (\$22.20) for a total civil penalty payment in the amount of Six Thousand Twenty-Two Dollars and Twenty Cents (\$6,022.20).
16. If Respondents fail to make one of the installment payments in accordance with the schedule set forth in paragraph 14, above, the entire unpaid balance of the penalty and all accrued interest shall become due immediately upon such failure, and Respondents 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, Respondents shall be liable for and shall pay administrative handling charges and late payment penalty charges as described below in the event of any such failure or default.
17. Notwithstanding Respondents' agreement to pay the assessed civil penalty in accordance with the installment schedule set forth in Paragraph 14, above, Respondents may pay the entire civil penalty of Six Thousand Dollars (\$6,000.00) within thirty (30) calendar days after the date on which a copy of this CAFO is mailed or hand-delivered to Respondents and, thereby, avoid the payment of interest pursuant to 40 C.F.R. § 13.11(a) as calculated in Paragraph 14, above, and as described in Paragraph 15. In addition, Respondents 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.
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. Respondents shall remit each installment payment for the civil penalty and interest, pursuant to Paragraph 14, above, and/or the full penalty pursuant to Paragraph 17, above, and/or any administrative fees and late payment penalties, in accordance with Paragraphs 23 through 26, below, in the following manner:
20. a. All payments shall be made to the U.S. Treasury by check and sent by U.S Postal Service regular mail shall be addressed to:

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

The customer service contact for this address may be reached at 513-487-2105

- b. All payments made by check and sent by UPS, FedEx, or overnight mail delivery service (except as noted in section c, below) shall be addressed 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

The U.S. Bank customer service contact for overnight delivery is 314-418-1028.

- c. All payments made by check in any currency drawn on banks with no branches in the United States shall be addressed for delivery to the following address:

Cincinnati Finance
US EPA, MS-NWD
26 W. M.L. King Drive
Cincinnati, OH 45268-0001

- d. All payments made by electronic funds transfer ("EFT") 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"

The Federal Reserve customer service contact may be reached at 212-720-5000.

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

US Treasury REX / Cashlink ACH Receiver
ABA = 051036706
Account No.: 310006, Environmental Protection Agency
CTX Format Transaction Code 22 - Checking

Physical location of U.S. Treasury facility:
5700 Rivertech Court
Riverdale, MD 20737

Customer service contact: John Schmid, at 202-874-7026, or REX at 1-866-234-5681

- f. On-line payment option

WWW.PAY.GOV

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

- g. Additional payment guidance is available at:

http://www.epa.gov/ocfo/finservices/payment_instructions.htm

21. All payments by Respondents shall include each Respondent's full name and address and the EPA Docket Number of this Consent Agreement (TSCA-03-2011-0029).

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

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

and

Louis F. Ramalho
Sr. Assistant Regional Counsel
U.S. Environmental Protection Agency
Region III (Mail Code 3RC30)
1650 Arch Street
Philadelphia, PA 19103-2029

23. 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.
24. 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 copy of the Consent Agreement and Final Order is mailed or hand-delivered to the Respondents. 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 rate in accordance with 40 C.F.R. § 13.11(a).
25. 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.
26. A late payment penalty of six percent (6%) 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).

RESERVATION OF RIGHTS

27. Nothing herein shall be construed to limit the authority of the Complainant to undertake action against any person, including the Respondents, in response to any condition which Complainant determines may present an imminent and substantial endangerment to the public health, public welfare or the environment, nor shall anything in this Consent Agreement and the attached Final Order be construed to limit the United States' authority to pursue criminal sanctions against any person or entity. In addition, Complainant reserves any rights and remedies available to it under TSCA, the regulations promulgated hereunder, and any other federal laws or regulations for which Complainant has jurisdiction, to enforce the provisions of this CA/FO, following its filing with the Regional Hearing Clerk.

FULL AND FINAL SATISFACTION

28 EPA hereby agrees and acknowledges that the settlement of the proposed penalty as set forth above shall be in full and final satisfaction of all civil claims for penalties which EPA may have under Sections 9006(a) of RCRA for the violations alleged herein.

EFFECTIVE DATE

29. The effective date of this CA/FO is the date on which the Final Order, signed by the Regional Administrator or the Regional Judicial Officer, is filed with the Regional Hearing Clerk.

Respondents:

Beckford Rentals, Inc.

Date: 5/9/11

By: *Glossy Beadman, Power of Attorney*
Amocetia Beckford
President

Date: 5/9/11

By: *Glossy Beadman, Power of Attorney*
Amocetia Beckford, individually

For the United States Environmental Protection Agency:

Date: 5/16/11

By: *[Signature]*
Louis F. Ramalho
Sr. Assistant Regional Counsel

I recommend that the Regional Administrator, or his designee, issue the Final Order attached hereto.

Date: 5/20/11

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

BEFORE THE UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION III

In the Matter of:

Amocetia Beckford
240 South 6th Street
Reading, PA 19602

and

Beckford Rentals, Inc.
240 South 6th Street
Reading, PA 19602

Respondents,

49 South 10th Street
Reading, PA 19602

413 South 6th Street
Reading, PA 19602

1146 Franklin Street
Reading, PA 19602

230 North 4th Street
Reading, PA 19601

115 West Elm Street
Reading, PA 19601

800 Muhlenberg Street
Reading, PA 19602

778 Schuylkill Avenue
Reading, PA 19601

752 North 9th Street
Reading, PA 19601

122 North 4th Street
Reading, PA 19601

140 South 8th Street
Reading, PA 19602

Docket No. TSCA-03-2011-0029

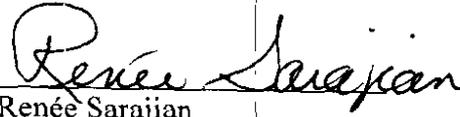
Rules of Practice, and having determined, based on the representations of the parties to the attached Consent Agreement, that the civil penalty agreed therein was based upon the factors set forth in Section 16(a)(2)(B) of TSCA, 15 U.S.C. § 2615(a)(2)(B), IT IS HEREBY ORDERED that Respondents pay a civil penalty of Six Thousand Dollars (\$6,000.00) 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:

5/23/11

By:



Renée Sarajian
Regional Judicial Officer
United States Environmental Protection Agency
Region III

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that on the date listed below, the original of the foregoing Consent Agreement and Final Order, Docket No. **TSCA-03-2011-0029**, was filed with the Regional Hearing Clerk, U.S. EPA - Region III, 1650 Arch Street, Philadelphia, Pennsylvania, 19103-2029, and that a true and correct copy was sent to the following parties:

T

the Court:

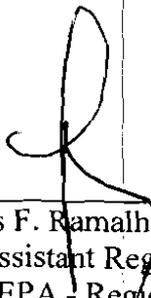
Honorable Spencer T. Nissen
Administrative Law Judge
Office of Administrative Law Judges
U.S. Environmental Protection Agency
Mail Code 1900L
1200 Pennsylvania Ave., NW
Washington, DC 20460

Respondent:

Dominic A. DeCecco, Esquire
Hartman Shurr
1100 Berkshire Blvd., P.O. Box 5828
Wyomissing, PA 19610
Phone: 610-779-0772

Date

5/23/14



Louis F. Ramalho
Sr. Assistant Regional Counsel
U.S. EPA - Region III
1650 Arch Street
Philadelphia, PA 19103-2029