

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION VII

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ENVIRONMENTAL PROTECTION
AGENCY-REGION VII
REGIONAL HEARING CLERK

IN THE MATTER OF)
)
Premier Property Management, LLC)
d/b/a Delaware Premier Property)
Management, LLC)
and)
S2S Sunswapt Associates, LLC)
Respondent)
_____)

Docket No. TSCA-07-2009-0005

ORDER

Pursuant to 40 C.F.R. § 22.5(a)(1), electronic filing of page 5 of the Consent Agreement and Final Order is authorized in this proceeding. Counsel for Complainant shall file the original page 5 , which shall replace the electronic copy of page 5, within one day of receipt of that document from Respondent.

Dated: June 10, 2009



Robert L. Patrick
Regional Judicial Officer

U. S. ENVIRONMENTAL PROTECTION AGENCY
REGION 7
901 N. 5th STREET
KANSAS CITY, KANSAS 66101

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ENVIRONMENTAL PROTECTION
AGENCY-REGION VII
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BEFORE THE ADMINISTRATOR

In the Matter of)
Premier Property Management, LLC d/b/a) Docket No. TSCA-07-2009-0005
Delaware Premier Property Management, LLC)
and)
S2S Sunswept Associates, LLC)
Respondents)

CONSENT AGREEMENT AND FINAL ORDER

This proceeding for the assessment of a civil penalty was initiated on or about January 14, 2009, pursuant to Section 16(a) of the Toxic Substances Control Act (TSCA), 15 U.S.C. § 2615(a), when the United States Environmental Protection Agency (EPA), Region 7 (EPA or Complainant) issued a Complaint and Notice of Opportunity for Hearing to Premier Property Management, LLC, doing business as Delaware Property Management, LLC, and to S2S Sunswept Associates, LLC (Respondents).

The Complaint charged Respondents with violations of Section 409 of TSCA, 15 U.S.C. § 2689, and the regulations 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* (Disclosure Rule), which were promulgated pursuant to Section 1018 of the Residential Lead-Based Paint Hazard Reduction Act of 1992, 42 U.S.C. § 4852d.

The Complaint proposed a civil penalty of \$131,050 for these violations.

Complainant and Respondents entered into negotiations in an attempt to settle the allegations contained in the Complaint. This Consent Agreement and Final Order is the result of such negotiations, and fully and finally resolves the allegations contained in the Complaint.

CONSENT AGREEMENT

1. For purposes of this proceeding, Respondents admit the jurisdictional allegations set forth in the Complaint.
2. Respondents neither admit nor deny the factual allegations of the Complaint.
3. Respondents waive their right to a judicial or administrative hearing on any issue of fact or law set forth in the Complaint.
4. Respondents and EPA agree to conciliate this matter without the necessity of a formal hearing and to bear their respective costs and attorneys' fees.
5. Respondents certify by the signing of this Consent Agreement and Final Order that to the best of Respondents' knowledge, they are presently in compliance with all requirements of 40 C.F.R. Part 745, Subpart F.
6. Respondents consent to the issuance of the Final Order hereinafter recited and consent to the payment of a mitigated civil penalty in the amount of \$6,553 to be paid within thirty (30) days of the effective date of the Final Order.
7. Respondents understand that failure to timely pay any portion of the mitigated civil penalty stated in Paragraph 6 above, may result in the commencement of a civil action in Federal District Court to recover the full remaining balance, along with penalties, late payment handling charges, and accumulated interest. In such case,

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Delaware Premier Property Management, LLC & S2S Sunswep Associates, LLC
Docket No. TSAC-07-2009-0005

interest shall accrue thereon at the applicable statutory rate, on the unpaid balance until such civil penalty and any accrued interest are paid in full. A late payment handling charge will be imposed after thirty (30) days and an additional charge for each subsequent thirty (30) day period will be assessed. Additionally, as provided by 31 U.S.C. § 3717(e)(2), a six percent (6%) per annum penalty (late charge) may be assessed on any amount not paid within ninety (90) days of the due date.

FINAL ORDER

Pursuant to the provisions of the Toxic Substances Control Act (TSCA), 15 U.S.C. §§ 2601-2692, and based upon the information set forth in the Consent Agreement accompanying this Final Order, **IT IS HEREBY ORDERED THAT:**

1. Respondents shall pay a mitigated civil penalty of \$6,553 within thirty (30) days of the effective date of this Final Order. **Such payment shall identify the Respondents by name and docket number** and shall be by certified or cashier's check made payable to the "United States Treasury" and sent to:

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

2. A copy of the check shall simultaneously be sent to the following:

Regional Hearing Clerk
U.S. Environmental Protection Agency, Region 7
901 N. 5th Street
Kansas City, Kansas 66101; and

Raymond C. Bosch, Attorney
Office of Regional Counsel
U.S. Environmental Protection Agency, Region 7
901 N. 5th Street
Kansas City, Kansas 66101.

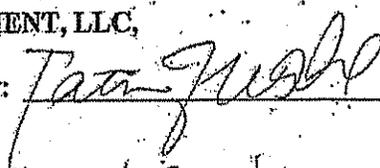
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Delaware Premier Property Management, LLC & S2S Sunswep Associates, LLC
Docket No. TSAC-07-2009-0005

3. Respondents and Complainant shall each bear their own costs and attorneys' fees incurred as a result of this matter.

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Delaware Premier Property Management, LLC & S2S Sunswept Associates, LLC
Docket No. TSAC-07-2009-0005

**RESPONDENTS:
PREMIER PROPERTY MANAGEMENT, LLC,**

Date: June 3, 2009

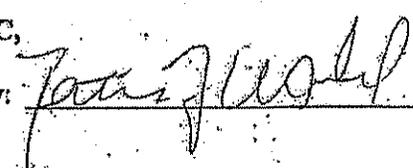
By: 

Patrick J. Wabai
Print Name

Member
Title

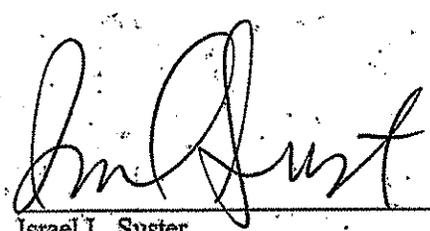
S2S SUNSWEPT ASSOCIATES, LLC,

Date: June 3, 2009

By: 

Patrick J. Wabai
Print Name

Member of Manager
Title



Israel L. Suster
Attorney for Respondents

6-5-09

Date

COMPLAINANT
U. S. ENVIRONMENTAL PROTECTION AGENCY

By: *Jamie Green* *6/9/09*
Jamie Green, Chief Date
Toxics and Pesticides Branch
Water, Wetlands & Pesticides Division

By: *Raymond C. Bosch* *June 9, 2009*
Raymond C. Bosch Date
Office of Regional Counsel

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Delaware Premier Property Management, LLC & S2S Sunswep Associates, LLC
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IT IS SO ORDERED. This Order shall become effective immediately.

Date: June 10, 2009

Robert L. Patrick

ROBERT L. PATRICK
Regional Judicial Officer
U.S. Environmental Protection Agency,
Region 7

IN THE MATTER OF Premier Property Management, LLC d/b/a Delaware Premier Property Management, LLC and S2S Sunswep Associates, LLC, Respondents
Docket No. TSCA-07-2009-0005

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing Consent Agreement and Final Order was sent this day in the following manner to the addressees:

Copy hand delivered to
Attorney for Complainant:

Raymond C. Bosch, Esq.
Assistant Regional Counsel
Region VII
United States Environmental Protection Agency
901 N. 5th Street
Kansas City, Kansas 66101

Copy by Certified Mail Return Receipt to:

Isreal Suster, Esq.
Suster Law Office
1316 Village Creek Drive, Suite 500
Plano, Texas 75093

Copy by First Class Pouch Mail to:

The Honorable Susan L. Biro
Chief Administrative Law Judge
U. S. Environmental Protection Agency
Office of Administrative Law Judges
1200 Pennsylvania Avenue, NW
Mail Code 1900L
Washington, D. C. 20005

and

The Honorable William B. Moran
Administrative Law Judge
U. S. Environmental Protection Agency
Office of Administrative Law Judges
1200 Pennsylvania Avenue, NW
Mail Code 1900L
Washington, D. C. 20005

Dated: 6/10/09


Kathy Robinson
Hearing Clerk, Region 7