



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

77 WEST JACKSON BOULEVARD

CHICAGO, IL 60604-3590

April 11, 2013

REPLY TO THE ATTENTION OF:

LC-8J

CERTIFIED MAIL

Receipt No. 7009 1680 0000 7635 7456

Emery and Jean Barany
69766 Sunset Blvd.
Union Michigan 49130

Consent Agreement and Final Order in the Matter of
Emery and Jean Barany, Docket No. TSCA-05-2013-0008

Dear Emery and Jean Barany:

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 April 11, 2013, with the Regional Hearing Clerk.

We have received your penalty payment of \$250.00; therefore we consider this matter closed.

Thank you for your cooperation in resolving this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Julie Morris".

Julie Morris
Pesticides and Toxic Compliance Section

Enclosures

cc: Eric Volck, Cincinnati Finance/MWD (w/Encl.)

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5

In the Matter of:)
)
Emery and Jean Barany)
Union, Michigan)
)
Respondents.)
_____)

Docket No. TSCA-05-2013-0008
Proceeding to Assess a Civil
Penalty Under Section 16(a) of the
Toxic Substances Control Act,
15 U.S.C. § 2615(a)



APR 11 2013

Consent Agreement and Final Order

REGIONAL HEARING CLERK
U.S. ENVIRONMENTAL
PROTECTION AGENCY

Preliminary Statement

1. This is an administrative action commenced and concluded under Section 16(a) of the Toxic Substances Control Act (TSCA), 15 U.S.C. § 2615(a), and the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits (Consolidated Rules) as codified at 40 C.F.R. Part 22.
2. The Complainant is the Director of the Land and Chemicals Division, United States Environmental Protection Agency (EPA), Region 5.
3. Respondents are Emery and Jean Barany, formerly doing business in the State of Indiana.
4. Where the parties agree to settle one or more causes of action before the filing of a complaint, the administrative action may be commenced and concluded simultaneously by the issuance of a consent agreement and final order (CAFO). 40 C.F.R. § 22.13(b).
5. The parties agree that settling this action without the filing of a complaint or the adjudication of any issue of fact or law is in their interest and in the public interest.
6. Respondents consent to the assessment of the civil penalty specified in this CAFO, and to the terms of this CAFO.

Jurisdiction and Waiver of Right to Hearing

7. Respondents admit the jurisdictional allegations in this CAFO and neither admit nor deny the factual allegations in this CAFO.

8. Respondents waive their right to request a hearing as provided at 40 C.F.R. § 22.15(c), any right to contest the allegations in this CAFO and their right to appeal this CAFO.

Statutory and Regulatory Background

9. In promulgating the Residential Lead-Based Paint Hazard Reduction Act of 1992, at 42 U.S.C. § 4851 *et seq.*, Congress found, among other things, that low-level lead poisoning is widespread among American children, afflicting as many as 3,000,000 children under the age of 6; at low levels, lead poisoning in children causes intelligence deficiencies, reading and learning disabilities, impaired hearing, reduced attention span, hyperactivity, and behavior problems; and the ingestion of household dust containing lead from deteriorating or abraded lead-based paint is the most common cause of lead poisoning in children. A key component of the national strategy to reduce and eliminate the threat of childhood lead poisoning is to educate the public concerning the hazards and sources of lead-based paint poisoning and steps to reduce and eliminate such hazards.

10. Section 1021 of the Residential Lead-Based Paint Hazard Reduction Act of 1992 amended TSCA, 15 U.S.C. § 2601 *et seq.*, by adding Title IV – Lead Exposure Reduction. Section 406(b) of TSCA, 15 U.S.C. § 2686(b), required the Administrator of EPA to promulgate regulations to require each person who performs for compensation a renovation of target housing to provide a lead hazard information pamphlet to the owner and occupant of such housing prior to commencing the renovation.

11. Section 407 of TSCA, 15 U.S.C. § 2687, required that the regulations promulgated by the Administrator include such recordkeeping and reporting requirements as may be necessary

to insure the effective implementation of TSCA Subchapter IV (TSCA §§ 2681-2692).

12. On June 1, 1998, EPA promulgated regulations codified at 40 C.F.R. Part 745, Subpart E, Requirements for Hazard Education Before Renovation of Target Housing (Pre-Renovation Education Rule or PRE Rule) under 15 U.S.C. § 2686 and § 2687, which was subsequently amended and recodified on April 22, 2008 at 40 C.F.R. Part 745, Subpart E, Lead; Renovation, Repair, and Painting Program; Lead Hazard Information Pamphlet (RRP Rule).

13. The PRE Rule and the information distribution requirements of the RRP Rule, at 40 C.F.R. § 745.85, promulgated pursuant to 15 U.S.C. § 2686 and § 2687, impose certain requirements prior to renovation of target housing. Each person who performs for compensation a renovation of target housing must provide a lead hazard information pamphlet to the owner and occupant of such housing or child occupied facility prior to commencing the renovation and must comply with the PRE Rule by June 1, 1999, and with the amended information distribution requirements of the RRP Rule by April 22, 2008.

14. At all times relevant to this CAFO, 40 C.F.R. § 745.83 defined *pamphlet* to mean any pamphlet developed by EPA under section 406(a) of TSCA or any State or Tribal pamphlet approved by EPA pursuant to 40 C.F.R. § 745.326.

15. 40 C.F.R. § 745.83 defines *renovation* to mean the modification of any existing structure, or portion thereof, that results in the disturbance of painted surfaces, unless that activity is performed as part of an abatement as defined by this part (40 C.F.R. § 745.223). The term renovation includes (but is not limited to): the removal, modification or repair of painted surfaces or painted components (e.g., modification of painted doors, surface preparation activity (such as sanding, scraping, or other such activities that may generate paint dust)); the removal of large structures (e.g., walls, ceilings, large surface replastering, major re-plumbing); and window

replacement.

16. 40 C.F.R. § 745.83 defines *renovator* to mean any person who performs for compensation a renovation.

17. 40 C.F.R. § 745.103 defines residential dwelling to mean a single family dwelling, including attached structures such as porches and stoops; or a single-family dwelling unit in a structure that contains more than one separate residential dwelling unit, and in which each such unit is used or occupied, or intended to be used or occupied, in whole or in part, as the residence of one or more persons.

18. 40 C.F.R. § 745.103 defines *target housing* to mean any housing constructed prior to 1978, except housing for the elderly or persons with disabilities (unless any child who is less than six (6) years of age resides or is expected to reside in such housing) or any zero-bedroom dwelling.

19. 40 C.F.R. § 745.223 defines *common area* to mean a portion of a building that is generally accessible to all occupants. Such an area may include, but is not limited to, hallways, stairways, laundry and recreational rooms, playgrounds, community centers, garages, and boundary fences.

20. 40 C.F.R. § 745.85(a)(1) requires that the firm performing renovation in dwelling units between June 1, 1998 and April 22, 2008 must provide the owner of the residential dwelling unit of target housing with the pamphlet and obtain from the owner, a written acknowledgement that the owner has received the pamphlet or obtain a certificate of mailing at least 7 days prior to the renovation

21. 40 C.F.R. § 745.84(a)(1) requires that the firm performing renovation in dwelling units on or after April 22, 2008 must provide the owner the residential dwelling unit of target

housing with the pamphlet and obtain from the owner, a written acknowledgement that the owner has received the pamphlet or obtain a certificate of mailing at least 7 days prior to the renovation.

22. 40 C.F.R. § 745.86(a) requires that the renovator performing the renovation must retain and, if requested, make available to EPA all records necessary to demonstrate compliance with this subpart for a period of 3 years following completion of the renovation.

23. 40 C.F.R. § 745.86(b)(2) requires signed and dated acknowledgments of receipt be retained as required by 40 C.F.R. § 745.86(a) for a period of 3 years and as described in 40 C.F.R. § 745.85(a)(1)(i), (a)(2)(i), and (b)(1)(i).

24. 40 C.F.R. § 745.86(b)(3) requires certificates of attempted delivery be retained as required by 40 C.F.R. § 745.86(a) for a period of 3 years and as described in 40 C.F.R. § 745.85(a)(2)(i).

25. 40 C.F.R. § 745.86(b)(4) requires certificates of mailing be retained as required by 40 C.F.R. § 745.86(a) for a period of 3 years and as described in 40 C.F.R. § 745.85(a)(1)(ii), (a)(2)(ii), and (b)(1)(ii).

26. 40 C.F.R. § 745.86(b)(5) requires records of notification activities performed regarding common areas be retained as required by 40 C.F.R. § 745.86(a) for a period of 3 years and as described in 40 C.F.R. § 745.85(b)(3) and (b)(4).

27. Under 15 U.S.C. § 2689, failing to comply with Section 406(b) of TSCA violates Section 409 of TSCA, 15 U.S.C. § 2689, which may subject the violator to administrative civil penalties under Section 16(a) of TSCA, 15 U.S.C. § 2615(a) and 40 C.F.R. § 745.87(d).

28. Section 16(a) of TSCA, 42 U.S.C. § 2615, and 40 C.F.R. § 745.87(d), authorize the EPA Administrator to assess a civil penalty of up to \$25,000 for each violation of Section 409 of

TSCA. Each day that such a violation continues constitutes a separate violation of Section 15 of TSCA, 15 U.S.C. § 2614. The Debt Collection Improvement Act of 1996, 31 U.S.C. § 3701, and its implementing regulations at 40 C.F.R. Part 19, increased these statutory maximum penalties to \$27,500 per day of violation that occurred from January 31, 1997, through March 15, 2004, to \$32,500 per day of violation for violations that occurred from March 16, 2004 through January 12, 2009, and to \$37,500 for violations that occurred after January 12, 2009.

General Allegations

29. Complainant incorporates paragraphs 1 through 28 of this Complaint as if set forth in this paragraph.

30. On August 4, 2008, a representative of EPA contacted Barany's Window Superstore in South Bend, Indiana, to make an appointment or an on-site inspection to monitor Barany's Window Superstore's compliance with Section 406(b) of TSCA. At that time, EPA's representative was informed that Barany's Window Superstore did not wish to participate in an inspection.

31. On April 15, 2009, Complainant issued an administrative subpoena to Respondents, under authority of Section 11 of TSCA, 15 U.S.C. § 2610, seeking, among other things, copies of all contracts and/or agreements for renovation (contracts) and copies of all acknowledgements of receipt of a pamphlet by the owners and occupants of residential housing, copies of all certificates of attempted delivery of a pamphlet, and all certificates of mailing of a pamphlet since March 1, 2004.

32. On July 10, 2009, Respondents provided EPA with documents responsive, in part, to the TSCA administrative subpoena referenced in paragraph 31, by providing copies of 50% of Respondents' contracts written in 2004 and copies of 50% of Respondents' contracts written in

2008.

33. Based on information provided by Respondents in response to Complainant's April 15, 2009 subpoena, Respondents entered into the following 24 written work agreements (contracts) with individuals for window replacement in the following residential housing units: 17761 Woodridge Drive, South Bend, Indiana; 811 Birchwood, South Bend, Indiana; 15675 Windingbrooke Drive, Mishawaka, Indiana; 15322 Montecito Drive, Granger, Indiana; 1771 Sherwood Road, Des Plaines, Illinois; 1809 Rockne Drive, South Bend, Indiana; 1501 Merrigold Way, #303, South Bend, Indiana; 54460 Terrace Lane, South Bend, Indiana; 810 S. 30th Street, South Bend, Indiana; 1507 Medford Lane, Mishawaka, Indiana; 1255 E. Madison, South Bend, Indiana; 1203 Sunnymede, South Bend, Indiana; 2010 Mustang Drive, LaPorte, Indiana; 1025 N. Frances, South Bend, Indiana; 1945 Berkley Place, South Bend, Indiana; 3217 Jackson Boulevard, Elkhart, Indiana; 19626 Pulling Street, South Bend, Indiana; 1384 Berkshire Drive, South Bend, Indiana; 17311 Darden Road, South Bend, Indiana; 2201 Ribourde Drive, South Bend, Indiana; 51863 Portage Road, South Bend, Indiana; 856 Greenview, South Bend, Indiana; 141 Bastogne, Mishawaka, Indiana; and 1966 Berkley Place, South Bend, Indiana.

34. Each of the residential housing units identified in paragraph 33, above, are target housing as defined in 40 C.F.R. § 745.103.

Counts 1 through 27

35. Complainant incorporates paragraphs 1 through 34 of this Complaint as if set forth in this paragraph.

36. Count 1: Respondents failed to provide the owner of the residential dwelling unit of target housing with the pamphlet and obtain from the owner, a written acknowledgement that the owner had received the pamphlet or obtain a certificate of mailing at least 7 days prior to the

renovation before conducting the renovation, under an April 2, 2008 sales agreement, at 17761 Woodridge Drive, South Bend, Indiana.

37. Count 2: Respondents failed to provide the owner of the residential dwelling unit of target housing with the pamphlet and obtain from the owner, a written acknowledgement that the owner had received the pamphlet or obtain a certificate of mailing at least 7 days prior to the renovation before conducting the renovation, under an April 3, 2008 sales agreement, at 811 Birchwood, South Bend, Indiana.

38. Count 3: Respondents failed to provide the owner of the residential dwelling unit of target housing with the pamphlet and obtain from the owner, a written acknowledgement that the owner had received the pamphlet or obtain a certificate of mailing at least 7 days prior to the renovation before conducting the renovation, under an April 3, 2008 sales agreement, at 15675 Windingbrooke Drive, Mishawaka, Indiana.

39. Count 4: Respondents failed to provide the owner of the residential dwelling unit of target housing with the pamphlet and obtain from the owner, a written acknowledgement that the owner had received the pamphlet or obtain a certificate of mailing at least 7 days prior to the renovation before conducting the renovation, under an April 19, 2008 sales agreement, at 15322 Montecito Drive, Granger, Indiana.

40. Count 5: Respondents failed to provide the owner of the residential dwelling unit of target housing with the pamphlet and obtain from the owner, a written acknowledgement that the owner had received the pamphlet or obtain a certificate of mailing at least 7 days prior to the renovation before conducting the renovation, under an April 23, 2008 sales agreement, at 1771 Sherwood Road, Des Plaines, Illinois.

41. Count 6: Respondents failed to provide the owner of the residential dwelling unit of

target housing with the pamphlet and obtain from the owner, a written acknowledgement that the owner had received the pamphlet or obtain a certificate of mailing at least 7 days prior to the renovation before conducting the renovation, under an April 24, 2008 sales agreement, at 1809 Rockne Drive, South Bend, Indiana.

42. Count 7: Respondents failed to provide the owner of the residential dwelling unit of target housing with the pamphlet and obtain from the owner, a written acknowledgement that the owner had received the pamphlet or obtain a certificate of mailing at least 7 days prior to the renovation before conducting the renovation, under an April 25, 2008 sales agreement, at 1501 Merrigold Way, #303, South Bend, Indiana.

43. Count 8: Respondents failed to provide the owner of the residential dwelling unit of target housing with the pamphlet and obtain from the owner, a written acknowledgement that the owner had received the pamphlet or obtain a certificate of mailing at least 7 days prior to the renovation before conducting the renovation, under a May 3, 2008 sales agreement, at 54460 Terrace Lane, South Bend, Indiana.

44. Count 9: Respondents failed to provide the owner of the residential dwelling unit of target housing with the pamphlet and obtain from the owner, a written acknowledgement that the owner had received the pamphlet or obtain a certificate of mailing at least 7 days prior to the renovation before conducting the renovation, under a May 14, 2008 sales agreement, at 810 S. 30th Street, South Bend, Indiana.

45. Count 10: Respondents failed to provide the owner of the residential dwelling unit of target housing with the pamphlet and obtain from the owner, a written acknowledgement that the owner had received the pamphlet or obtain a certificate of mailing at least 7 days prior to the renovation before conducting the renovation, under a May 23, 2008 sales agreement, at

1507 Medford Lane, Mishawaka, Indiana.

46. Count 11: Respondents failed to provide the owner of the residential dwelling unit of target housing with the pamphlet and obtain from the owner, a written acknowledgement that the owner had received the pamphlet or obtain a certificate of mailing at least 7 days prior to the renovation before conducting the renovation, under a June 26, 2008 sales agreement, at 1255 E. Madison, South Bend, Indiana.

47. Count 12: Respondents failed to provide the owner of the residential dwelling unit of target housing with the pamphlet and obtain from the owner, a written acknowledgement that the owner had received the pamphlet or obtain a certificate of mailing at least 7 days prior to the renovation before conducting the renovation, under a July 15, 2008 sales agreement, at 1203 Sunnymede, South Bend, Indiana.

48. Count 13: Respondents failed to provide the owner of the residential dwelling unit of target housing with the pamphlet and obtain from the owner, a written acknowledgement that the owner had received the pamphlet or obtain a certificate of mailing at least 7 days prior to the renovation before conducting the renovation, under a July 26, 2008 sales agreement, at 2010 Mustang Drive, LaPorte, Indiana.

49. Count 14: Respondents failed to provide the owner of the residential dwelling unit of target housing with the pamphlet and obtain from the owner, a written acknowledgement that the owner had received the pamphlet or obtain a certificate of mailing at least 7 days prior to the renovation before conducting the renovation, under an August 14, 2008 sales agreement, at 1025 N. Frances, South Bend, Indiana.

50. Count 15: Respondents failed to provide the owner of the residential dwelling unit of target housing with the pamphlet and obtain from the owner, a written acknowledgement that

the owner had received the pamphlet or obtain a certificate of mailing at least 7 days prior to the renovation before conducting the renovation, under an August 20, 2008 sales agreement, at 1945 Berkley Place, South Bend, Indiana.

51. Count 16: Respondents failed to provide the owner of the residential dwelling unit of target housing with the pamphlet and obtain from the owner, a written acknowledgement that the owner had received the pamphlet or obtain a certificate of mailing at least 7 days prior to the renovation before conducting the renovation, under a September 4, 2008 sales agreement, at 3217 Jackson Boulevard, Elkhart, Indiana.

52. Count 17: Respondents failed to provide the owner of the residential dwelling unit of target housing with the pamphlet and obtain from the owner, a written acknowledgement that the owner had received the pamphlet or obtain a certificate of mailing at least 7 days prior to the renovation before conducting the renovation, under a September 15, 2008 sales agreement, at 19626 Pulling Street, South Bend, Indiana.

53. Count 18: Respondents failed to provide the owner of the residential dwelling unit of target housing with the pamphlet and obtain from the owner, a written acknowledgement that the owner had received the pamphlet or obtain a certificate of mailing at least 7 days prior to the renovation before conducting the renovation, under a September 17, 2008 sales agreement, at 1384 Berkshire Drive, South Bend, Indiana.

54. Count 19: Respondents failed to provide the owner of the residential dwelling unit of target housing with the pamphlet and obtain from the owner, a written acknowledgement that the owner had received the pamphlet or obtain a certificate of mailing at least 7 days prior to the renovation before conducting the renovation, under a September 20, 2008 sales agreement, at 17311 Darden Road, South Bend, Indiana.

55. Count 20: Respondents failed to provide the owner of the residential dwelling unit of target housing with the pamphlet and obtain from the owner, a written acknowledgement that the owner had received the pamphlet or obtain a certificate of mailing at least 7 days prior to the renovation before conducting the renovation, under a September 24, 2008 sales agreement, at 2201 Ribourde Drive, South Bend, Indiana.

56. Count 21: Respondents failed to provide the owner of the residential dwelling unit of target housing with the pamphlet and obtain from the owner, a written acknowledgement that the owner had received the pamphlet or obtain a certificate of mailing at least 7 days prior to the renovation before conducting the renovation, under a September 30, 2008 sales agreement, at 51863 Portage Road, South Bend, Indiana.

57. Count 22: Respondents failed to provide the owner of the residential dwelling unit of target housing with the pamphlet and obtain from the owner, a written acknowledgement that the owner had received the pamphlet or obtain a certificate of mailing at least 7 days prior to the renovation before conducting the renovation, under an October 1, 2008 sales agreement, at 856 Greenvew, South Bend, Indiana.

58. Count 23: Respondents failed to provide the owner of the residential dwelling unit of target housing with the pamphlet and obtain from the owner, a written acknowledgement that the owner had received the pamphlet or obtain a certificate of mailing at least 7 days prior to the renovation before conducting the renovation, under an October 16, 2008 sales agreement, at 141 Bastogne, Mishawaka, Indiana.

59. Count 24: Respondents failed to provide the owner of the residential dwelling unit of target housing with the pamphlet and obtain from the owner, a written acknowledgement that the owner had received the pamphlet or obtain a certificate of mailing at least 7 days prior to the

renovation before conducting the renovation, under an October 31, 2008 sales agreement, at 1966 Berkley Place, South Bend, Indiana.

60. Respondents' failure to provide the owners of the residential dwelling units of target housing with the pamphlet and obtain from the owners a written acknowledgement that the owners had received the pamphlet or obtain a certificate of mailing at least 7 days prior to the renovations referred to in paragraphs 36 through 59, above, constitute 4 violations of 40 C.F.R. § 745.85(a)(1) and 20 violations of 40 C.F.R. § 745.84(a)(1) and 24 violations 15 U.S.C. § 2689.

Civil Penalty

61. Pursuant to Section 16(a) of TSCA, 15 U.S.C. § 2615(a), Complainant determined that an appropriate civil penalty to settle this action is \$250. In determining the penalty amount, Complainant considered the nature, circumstances, extent and gravity of the violations, and, with respect to Respondents, ability to pay, effect on ability to continue to do business, any history of such prior violations, and the degree of culpability. Complainant also considered EPA's *Interim Final Consolidated Enforcement Response and Penalty Policy for the Pre-Renovation Education, Repair and Painting, and Lead-Based Paint Activities Rules* dated April 11, 2010 (Response Policy).

62. Within 30 days after the effective date of this CAFO, Respondents must pay a \$250 civil penalty for the TSCA violations by sending a cashier's or certified check, payable to "Treasurer, United States of America," to:

U.S. EPA
Fines and Penalties
Cincinnati Finance Center
P.O. Box 979077
St. Louis, Missouri 63197-9000

63. Respondents must send a notice of payment that states Respondents' names,

complete address, and the case docket number to EPA at the following addresses when they pay the penalty:

Regional Hearing Clerk (E-19J)
U.S. EPA, Region 5
77 West Jackson Boulevard
Chicago, Illinois 60604

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

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

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

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

66. 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 the payment was due at a rate established pursuant to 31 U.S.C. § 3717. 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

67. The effective date of this CAFO is the date on which it is filed with the Regional

Hearing Clerk (Effective Date).

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

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

70. This CAFO does not affect Respondents' responsibility to comply with TSCA, 15 U.S.C. § 2601 *et seq.*, and other applicable federal, state, and local laws.

71. Respondents certify that they are complying with Section 402 of TSCA, 15 U.S.C. § 2682, and its implementing regulations at 40 C.F.R. Part 745.

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

73. 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.

74. Each party agrees to bear its own costs and attorneys' fees in this action.

75. This CAFO constitutes the entire agreement between the parties.

Emery and Jean Barany, Respondents

March 11, 2013
Date

Emery Barany
Emery Barany

March 11, '13
Date

Jean Barany
Jean Barany

United States Environmental Protection Agency, Complainant

4/04/13
Date

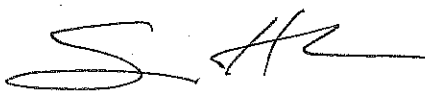
Michael D. Harris for M.G.
Margaret M. Guerriero
Director
Land and Chemicals Division

In the Matter of:
Emery and Jean Barany
Docket No. TSCA-05-2013-0008


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.

4-5-13
Date



Susan Hedman
Regional Administrator
United States Environmental Protection Agency
Region 5


APR 11 2013
REGIONAL HEARING CLERK
U.S. ENVIRONMENTAL
PROTECTION AGENCY

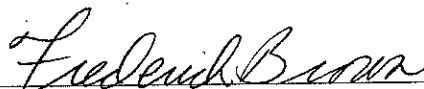
CERTIFICATE OF SERVICE

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 Emery and Jean Barany, was filed on April 11, 2013, 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 7635 7456 to:

Jean Barany
69766 Sunset Blvd.
Union Michigan 49130

and forwarded intra-Agency copies to:

Ann Coyle, Regional Judicial Officer, ORC/C-14J
Larry Johnson, 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

Docket No. TSCA-05-2013-0008

RECEIVED

APR 11 2013

REGIONAL HEARING CLERK
U.S. ENVIRONMENTAL
PROTECTION AGENCY