

U.S. ENVIRONMENTAL PROTECTION AGENCY
REGION VII
901 NORTH 5TH STREET
KANSAS CITY, KANSAS 66101

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ENVIRONMENTAL PROTECTION
AGENCY-REGION VII
REGIONAL HEARING CLERK

BEFORE THE ADMINISTRATOR

In the Matter of)
)
AZURE BLUE, L.L.C.) Docket No. TSCA-07-2008-0046
Sioux City, Iowa)
)
Respondent)

MOTION TO AMEND CONSENT AGREEMENT AND FINAL ORDER

Preliminary Statement

The United States Environmental Protection Agency (EPA), Region VII and Azure Blue, L.L.C. (Respondent) agreed to a settlement of Respondent's alleged violations of the Toxic Substances Control Act (TSCA) and memorialized the settlement through a Consent Agreement and Final Order (CAFO) on November 21, 2008. The Respondent violated Section 409 of TSCA, Part 745, Subpart F, *Disclosure of Known Lead-Based Paint and/or Lead-Based Paint Hazards Upon Sale or Lease of Residential Property*, promulgated pursuant to Section 1018 of the Residential Lead-Based Paint Hazard Reduction Act of 1992, 42 U.S.C. § 4852d.

The CAFO ordered Respondent to pay a penalty of \$7,700 within thirty (30) days of the effective date of the Final Order. The payment will be due on December 21, 2008.

Respondent contacted EPA on December 12, 2008, via telephone and expressed an inability to make the payment. Respondent then sent an email on December 15, 2008, stating that the cash balance of the business does not meet the total penalty amount and that Respondent has been unable to secure additional loans to cover the total penalty amount. Respondent has requested that it make two payments, the final payment to be made on January 31, 2009. EPA does not object to Respondent's request.

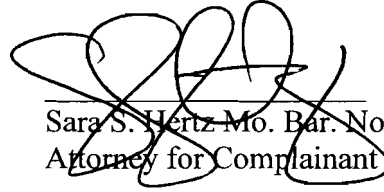
The Amended Consent Agreement and Final Order adjusts the payment schedule and accounts for interest due on the penalty. Respondent and Complainant have signed the Amended CAFO. Attachment 1.

No other changes to the CAFO have been made.

Motion

Pursuant to 40 C.F.R. § 22.16, Complainant hereby moves for an Order granting this Motion to File an Amended Consent Agreement and Final Order.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'S. Hertz', is written over a horizontal line. The signature is stylized and somewhat cursive.

Sara S. Hertz Mo. Bar. No. 56863
Attorney for Complainant