



U. S. ENVIRONMENTAL PROTECTION AGENCY  
REGION 7  
901 NORTH 5<sup>th</sup> STREET  
KANSAS CITY, KANSAS 66101

10 OCT 29 AM 10:47  
ENVIRONMENTAL PROTECTION  
AGENCY-REGION VII  
REGIONAL HEARING CLERK

BEFORE THE ADMINISTRATOR

In the Matter of )  
)  
KASHFLO, INC. ) DOCKET NO. TSCA-07-2010-0002  
St. Louis, Missouri )  
)  
Respondent )  
)

CONSENT AGREEMENT AND FINAL ORDER

PRELIMINARY STATEMENT

This proceeding for the assessment of a civil penalty was initiated on January 21, 2010, pursuant to Section 16(a) of TSCA, 15 U.S.C. § 2615(a), when Complainant issued a Complaint and Notice of Opportunity For Hearing (“Complaint”) to Kashflo, Inc. (“Respondent”). The Complaint charged Respondent with violations of Section 409 of the Toxic Substances Control Act (TSCA), 15 U.S.C. § 2689, by failing to comply with the regulatory requirements 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*, 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 total civil penalty of Eighteen Thousand Seven Hundred and Forty Dollars (\$18,740.00) against Respondent for the violations. The parties subsequently entered negotiations in an attempt to settle the allegations contained in the Complaint. This Consent Agreement and Final Order (CA/FO) 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, Respondent admits the jurisdictional allegations set forth in the Complaint.

2. Respondent neither admits nor denies the factual allegations set forth in the Complaint.

3. Respondent waives its right to a judicial or administrative hearing on any issue of fact or law set forth above and its right to appeal the Final Order accompanying this Consent Agreement.

4. Respondent and EPA agree to settle this matter without the necessity of a formal hearing and to each bear their own respective costs and attorneys' fees.

5. Respondent certifies by the signing of this CA/FO that to the best of its knowledge and belief it is presently in compliance with all requirements of 40 C.F.R. Part 745, Subpart F.

6. Respondent consents to the issuance of the Final Order hereinafter recited and consents to the payment of a mitigated civil penalty in the amount of Two Thousand Five Hundred Dollars (\$2,500) to be paid within forty-five (45) days after the effective date of the Final Order.

7. Respondent understands 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, 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. Respondent shall pay a mitigated civil penalty, in the amount of Two Thousand Five Hundred Dollars (\$2,500). Payment will be due on or before forty-five (45) days following the effective date of this CA/FO.
2. Payment of the penalty shall be by cashier's or certified check which shall identify the Respondent by name and Docket Number TSCA-07-2010-0002, and made payable to "United States Treasury" and remitted to:

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

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

Robert W. Richards  
Office of Regional Counsel  
U.S. Environmental Protection Agency, Region 7  
901 North 5th Street  
Kansas City, Kansas 66101; and

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


4. The effective date of this Order shall be the date on which it is signed by the Regional  
Judicial Officer.

5. Respondent and Complainant shall each bear their own respective costs and  
attorneys' fees.

**RESPONDENT:**

**KASHFLO, INC.**  
**A Missouri Corporation**

Date: October 15, 2010

By: \_\_\_\_\_  


Authorized Officer  
Qasim Mustafa Bajwa, President

**COMPLAINANT:**  
**U.S. ENVIRONMENTAL PROTECTION AGENCY**

Date: 10/28/10

By: Jamie Green


Jamie Green  
Branch  
Toxics and Pesticides Branch  
Water, Wetlands and Pesticides Division

Date: 10/28/10

By: Robert W. Richards

Robert W. Richards  
Assistant Regional Counsel  
Office of Regional Counsel

**IT IS SO ORDERED.** This Order shall become effective immediately.

Date: Oct. 29, 2010   
ROBERT L. PATRICK  
Regional Judicial Officer



IN THE MATTER OF KASHFLO, INC., Respondent  
Docket No. TSCA-07-2010-0002

CERTIFICATE OF SERVICE

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

Copy hand delivered to  
Attorney for Complainant:

Robert W. Richards  
Assistant Regional Counsel  
Region 7  
United States Environmental Protection Agency  
901 N. 5<sup>th</sup> Street  
Kansas City, Kansas 66101


Copy by Certified Mail Return Receipt to:

Robert C. Withington, Esquire  
7116 Oakland Avenue  
Richmond Heights, Missouri 63117

Copy by Facsimile and  
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

Dated: 10/29/10



Kathy Robinson  
Hearing Clerk, Region 7