

U. S. ENVIRONMENTAL PROTECTION AGENCY
REGION 7
11201 RENNER BOULEVARD
LENEXA, KS 66219

UNITED STATES
ENVIRONMENTAL PROTECTION
AGENCY-REGION 7

2014 MAR 26 AM 9: 53

BEFORE THE ADMINISTRATOR

In the Matter of)

Betty Brown)
2962 Twinkle Hill Road)
Marshalltown, IA 50158,)

Respondent)

) Docket No. TSCA-07-2013-0022

CONSENT AGREEMENT AND FINAL ORDER

This proceeding for the assessment of a civil penalty was initiated on or about September 11, 2013 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 Betty Brown, an individual (Respondent).

The Complaint charged Respondent 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 \$8,500 for these violations. Complainant and Respondent 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, 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 her right to contest any issue of fact or law set forth in the Complaint and her right to appeal the Final Order accompanying this Consent Agreement.
4. Respondent and the EPA agree to conciliate this matter without the necessity of a formal hearing and to bear their respective costs and attorney's fees.
5. Respondent certifies by the signing of this Consent Agreement and Final Order that she is presently in compliance with all requirements of 40 C.F.R. Part 745, Subpart F.
6. Respondent agrees that, in settlement of the claims alleged in this Consent Agreement and Final Order, Respondent shall pay a mitigated penalty of Two Thousand Four Hundred Dollars (\$2,400.00) as set forth in Paragraph 1 of the Final Order. Payment of this civil penalty in full shall resolve all civil and administrative claims for all violations of the TSCA alleged in this document. Complainant reserves the right to take any enforcement action with respect to any other violations of the TSCA or any other applicable law and/or regulation administered by the EPA.
7. The effect of settlement described in Paragraph 6 above is conditioned upon the accuracy of Respondent's representations to the EPA, as memorialized in Paragraph 5 of this Consent Agreement and Final Order.

8. Respondent consents to the issuance of the Final Order hereinafter recited and consents to the payment of a civil penalty as specified in the Final Order.

9. Respondent understands that her failure to timely pay any portion of the civil penalty described in Paragraph 1 of the Final Order below may result in the commencement of a civil action in Federal District Court to recover the full remaining balance, along with penalties 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 of \$15 will be imposed after thirty (30) days and an additional \$15 will be charge for each subsequent thirty (30) day period. 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 civil penalty of Two Thousand Four Hundred Dollars (\$2,400) in quarterly installments, as set forth in Attachment 1 to this CAFO. The first such payment shall be due on May 1, 2014. Such payments shall identify Respondent by name and docket number and shall be by certified or cashier's check made payable to the "United States Treasury" and sent to:

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

Wire transfers should be directed to the Federal Reserve Bank of New York:

Federal Reserve Bank of New York
ABA = 021030004
Account = 68010727
SWIFT address = FRNYUS33
33 Liberty Street
New York, New York 10045
Field Tag 4200 of the Fedwire message should read
“D 68010727 Environmental Protection Agency”

2. A copy of the check or other information confirming payment shall simultaneously be sent to the following:

Regional Hearing Clerk
U.S. Environmental Protection Agency - Region 7
11201 Renner Boulevard
Lenexa, Kansas 66219; and

Raymond C. Bosch, Attorney
Office of Regional Counsel
U.S. Environmental Protection Agency - Region 7
11201 Renner Boulevard
Lenexa, Kansas 66219.

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

4. This Consent Agreement and Final Order shall be effective upon the filing of the Final Order by the Regional Hearing Clerk for EPA Region 7. Unless otherwise stated, all time periods stated herein shall be calculated in calendar days from such date.

RESPONDENT

Date: 3/10/14



BETTY BROWN

COMPLAINANT
U. S. ENVIRONMENTAL PROTECTION AGENCY

Date: 3-24-2014



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

Date: MARCH 21, 2014



Raymond C. Bosch
Office of Regional Counsel

IT IS SO ORDERED.

Date: ^{KB} 3-26-14

Karina Borromeo

KARINA BORROMEO
Regional Judicial Officer
U.S. Environmental Protection Agency, Region 7

Rate Period : Quarterly

Nominal Annual Rate : 1.000 %

Event	Beginning Date	Amount	Number	Period
Penalty Amount		2,400.00		
Penalty Payment	05/01/2014	305.65	8	Quarterly

AMORTIZATION SCHEDULE - U.S. Rule (no compounding), 360 Day Year

	Date	Penalty Amount	Penalty Payment	Interest	Principal	Balance
						2,400.00
Penalty Payment	05/01/2014		305.65	24.00	281.65	2,118.35
Penalty Payment	08/01/2014		305.65	5.30	300.35	1,818.00
Penalty Payment	11/01/2014		305.65	4.55	301.10	1,516.90
2014 Totals			916.95	33.85	883.10	
Penalty Payment	02/01/2015		305.65	3.79	301.86	1,215.04
Penalty Payment	05/01/2015		305.65	3.04	302.61	912.43
Penalty Payment	08/01/2015		305.65	2.28	303.37	609.06
Penalty Payment	11/01/2015		305.65	1.52	304.13	304.93
2015 Totals			1,222.60	10.63	1,211.97	
Penalty Payment	02/01/2016		305.65	0.72	304.93	0.00
2016 Totals			305.65	0.72	304.93	
Grand Totals		2,400.00	2,445.20	45.20	2,400.00	

IN THE MATTER OF Betty Brown, Respondent
Docket No. TSCA-07-2013-0022

CERTIFICATE OF SERVICE

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

Copy hand delivered to
Attorney for Complainant:

Raymond Bosch
Assistant Regional Counsel
Region 7
United States Environmental Protection Agency
901 N. 5th Street
Kansas City, Kansas 66101

Copy by First Class Mail to:

Betty Brown
2962 Twinkle Hill Road
Marshalltown, Iowa 50158

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 1900R
Washington, DC 20460-2001

Judge Barbara Gunning
Administrative Law Judge
U. S. Environmental Protection Agency
Office of Administrative Law Judges
1200 Pennsylvania Avenue, NW
Mail Code 1900R
Washington, DC 20460-2001

Dated: 3/26/14



Kathy Robinson
Hearing Clerk, Region 7