



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

FEB 18 2009

REPLY TO THE ATTENTION OF:

LC-8J

CERTIFIED MAIL

Receipt No. 7001 0320 0006 0183 0012

Sivyis Xiong  
P.O. Box 841  
Milwaukee, Wisconsin 53201

Trust No. 98-123, Genghiskhan, Hu, Chuhu and Maivtshiab Xiong *TSCA-05-2008-00*

Dear Mr. Xiong:

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 February 18, 2009, with the Regional Hearing Clerk.

The civil penalty in the amount of \$500 is to be paid in the manner described in paragraphs 10 and 11. Please be certain that the number **BD2750947X003** and the docket number are written on both the transmittal letter and on the check. Payment is due by March 20, 2009 (within 30 calendar days of the filing date).

Thank you for your cooperation in resolving this matter.

Sincerely,

A handwritten signature in cursive script that reads "Estrella Calvo".

Estrella Calvo  
Pesticides and Toxic Compliance Section

Enclosures

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

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5**

<b>In the Matter of:</b>	)	<b>Docket No. TSCA 05-2008-0010</b>
	)	
<b>Trust No. 98-123, Genghiskhan Xiong,</b>	)	<b>Proceeding to Assess a Civil Penalty</b>
<b>Hu Xiong, Chuhu Xiong,</b>	)	<b>Under Section 16(a) of the Toxic Substances</b>
<b>And Maivtshiab Xiong,</b>	)	<b>Control Act, 15 U.S.C. § 2615(a)</b>
<b>Chicago, Illinois,</b>	)	
<b>Respondents.</b>	)	
<hr/>		

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**Consent Agreement and Final Order**

**Preliminary Statement**

**REGIONAL HEARING CLERK  
U.S. ENVIRONMENTAL  
PROTECTION AGENCY**

1. Complainant, the Director of the Land and Chemicals Division, United States Environmental Protection Agency (EPA), Region 5, brought this administrative action seeking a civil penalty under Section 16(a) of the Toxic Substances Control Act (TSCA), 15 U.S.C. § 2615(a).

2. On May 2, 2008, EPA filed the Complaint in this action against Respondents Trust No. 98-123, Ghenghiskhan Xiong, Hu Xiong, Chuhu Xiong and Maivtshiab Xiong (Respondents). The Complaint alleges that Respondents violated Section 1018(b)(5) of the Residential Lead-Based Paint Hazard Reduction Act of 1992, 42 U.S.C. § 4852d(b)(5); Section 409 of TSCA, 15 U.S.C. § 2689; and 40 C.F.R. §§ 745.113(b)(2), 745.113(b)(3), 745.(b)(4) and 745.113(b)(6) in five contracts to lease target housing.

3. Respondents filed an Answer and requested a hearing in this matter.

**Stipulations**

- 4. Respondents admit the allegations in the Complaint.
- 5. Respondents waive any right to contest the allegations in the Complaint and their right to appeal this Consent Agreement and Final Order (CAFO).

6. Respondents certify that they are complying fully with the Residential Lead-Based Paint Hazard Reduction Act of 1992 and the regulations at 40 C.F.R. Part 745.

7. Respondents consent to the assessment of the civil penalty stated in this CAFO and to the terms of this CAFO.

8. The parties agree that settling this action without further litigation, upon the terms of this CAFO, is in the public interest.

**Civil Penalties**

9. In consideration of the assessment of the Respondents' ability to pay, EPA agrees to mitigate the proposed penalty of \$42,916.00 to \$500.00.

10. Within 30 days after the effective date of this CAFO, Respondent must pay the \$500.00 civil penalty by sending a cashier's or certified check, payable to the "Treasurer, United States of America," to:

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

The check must state the case title, the docket number of this CAFO, and the billing document number.

11. A transmittal letter stating Respondent's name, complete address, the case docket number, and the billing document number must accompany the payment. Respondent must send a copy of the check and transmittal letter to:

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

Estrella Calvo (LC-8J)  
U.S. EPA, Region 5  
77 West Jackson Boulevard  
Chicago, Illinois 60604

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

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

13. If Respondent does not pay the civil penalty timely, 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.

14. Pursuant to 31 C.F.R. § 901.9, Respondent must pay the following on any amount overdue under this CAFO. Interest will accrue on any amount overdue from the date payment was due at a rate established by the Secretary of the Treasury. Respondent must pay a \$15 handling charge each month that any portion of the penalty is more than 30 days past due. In addition, Respondent must pay a 6 percent per year penalty on any principal amount 90 days past due.

#### **General Provisions**

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


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

17. This CAFO does not affect Respondents' responsibility to comply with the Residential Lead-Based Paint Hazard Reduction Act of 1992 and other applicable federal, state, and local laws.

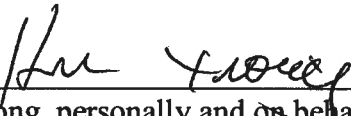
18. The terms of this CAFO bind Respondents, and their successors and assigns.
19. Each person signing this agreement certifies that he or she has the authority to sign for the party whom he or she represents and to bind that party to its terms.
20. Each party agrees to bear its own costs and attorney's fees in this action.
21. This CAFO constitutes an entire agreement between the parties.

**Trust No. 98-123, Ghenghiskhan Xiong, Hu Xiong, Chuhu Xiong and Maivtshiab Xiong,  
Respondents**

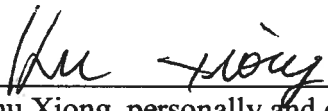
2-06-2009  
Date

  
Ghenghiskhan Xiong, personally and on behalf  
of Trust No. 98-123

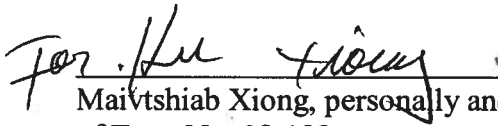
2-6-09  
Date

  
Hu Xiong, personally and on behalf of  
Trust No. 98-123

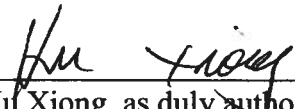
2-6-09  
Date

  
Chuhu Xiong, personally and on behalf of  
Trust No. 98-123

2-6-09  
Date


  
Maivtshiab Xiong, personally and on behalf  
of Trust No. 98-123

2-6-09  
Date

  
Hu Xiong, as duly authorized agent for  
Maivtshiab Xiong

**United States Environmental Protection Agency, Complainant**

2/12/09  
Date

  
Margaret M. Guerriero  
Director  
Land and Chemicals Division

**In the Matter of:**  
**Trust No. 98-123 et al.**  
**Docket No. TSCA 05-2008-0010**


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PROTECTION AGENCY

**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.

2/13/09  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Bharat Mathur  
Acting Regional Administrator  
United States Environmental Protection Agency  
Region 5

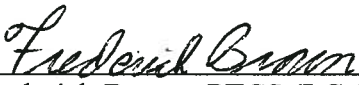
**CERTIFICATE OF SERVICE**

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 Trust No.98-123, Genghiskhan, Hu, Chuhu and Maivtshiab Xiong, of Milwaukee, Wisconsin was filed on February 18, 2009, with the Regional Hearing Clerk (E-13J), 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. 7001 0320 0006 0183 0012, to the Respondents, care of:

Sivyis Xiong  
P.O. Box 841  
Milwaukee, Wisconsin 53201

and forwarded intra-Agency copies to:

Marcy Toney, Regional Judicial Officer, ORC/C-14J  
Luis Oviedo, 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-05-2008-0010 JJ

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