



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590
MAR 29 2012

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REGIONAL HEARING CLERK
U.S. ENVIRONMENTAL
PROTECTION AGENCY

REPLY TO THE ATTENTION OF:
LC-8J

CERTIFIED MAIL

Receipt No.7009 1680 0000 7672 1004

Mr. Ronald R. Underwood
The Ronald R. Underwood Trust
152 Smith Street
Elmore, Ohio 43416

The Ronald R. Underwood, Trust Consent Decree and Final Order,
Docket No. TSCA-05-2011-0016

Dear Mr. Underwood:

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 March 29, 2012, 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 BD 2751247X012 and the docket number are written on both the transmittal letter and on the check. Payment is due by April 28, 2012 (within 30 calendar days of the filing date).

Thank you for your cooperation in resolving this matter.

Sincerely,

Pamela Grace
Pesticides and Toxics Compliance Section

Enclosures

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

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY HEARING CLERK
REGION 5 U.S. ENVIRONMENTAL PROTECTION AGENCY

In the Matter of:) Docket No. TSCA-05-2011-0016
)
The Ronald R. Underwood Trust) Proceeding to Assess a Civil Penalty
Elmore, Ohio) Under Section 16(a) of the Toxic Substances
Respondent) Control Act, 15 U.S.C. § 2615(a)
)
_____)

Consent Agreement and Final Order

Preliminary Statement

1. Complainant, the Director of the Land and Chemicals Division, U.S.

Environmental Protection Agency, 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 September 8, 2011, EPA filed the Complaint in this action against The Ronald R. Underwood Trust, Respondent. The Complaint alleges that Respondent 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)(1), 745.113(b)(2), 745.113(b)(3), 745.113(b)(4), and 745.113(b)(6), in three contracts to lease target housing.

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

Stipulations

4. Respondent admits the jurisdictional allegations in the Complaint and neither admits nor denies the factual allegations in the Complaint, other than those admitted in his Answer.

5. Respondent waives any right to contest the allegations in the Complaint and his right to appeal this Consent Agreement and Final Order (CAFO).

6. Respondent certifies that it is complying fully with the Residential Lead-Based Paint Hazard Reduction Act of 1992 and the regulations at 40 C.F.R. Part 745.
7. Respondent consents 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 nature, circumstances, extent, and gravity of the violations, and, with respect to Respondent, ability to pay, effect on ability to continue to do business, any history of such prior violations, and the degree of culpability, EPA agrees to mitigate the proposed penalty of \$47,470 to \$500. Complainant also considered EPA's Section 1018 -- Disclosure Rule Enforcement Response and Penalty Policy, dated December 2007.

10. Within 30 days after the effective date of this CAFO, Respondent must pay a \$500 civil penalty for the TSCA violations by sending a cashier's check 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

11. Respondent must send a notice of payment that states Respondent's name, complete address, the case docket number and the billing document (BD) number to EPA at the following addresses when it pays the penalty:

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

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

Steven Kaiser (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 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.

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 overdue amount 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.

15. This CAFO resolves only Respondent's 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 Respondent's 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 Respondent, and its 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 and entire agreement between the parties.

The Ronald R. Underwood Trust, Respondent

2/8/12
Date

Ronald R. Underwood, Trustee
Ronald R. Underwood, Trustee
The Ronald R. Underwood Trust

United States Environmental Protection Agency, Complainant

March 26, 2012
Date

Margaret M. Guerriero
Margaret M. Guerriero
Director
Land and Chemicals Division

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MAR 29 2012

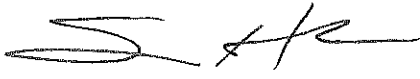
**In the Matter of:
The Ronald R. Underwood Trust
Docket No. TSCA-05-2011-0016**

REGIONAL HEARING CLERK
U.S. ENVIRONMENTAL
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.

3-28-12
Date



Susan Hedman
Regional Administrator
United States Environmental Protection Agency
Region 5

CERTIFICATE OF SERVICE

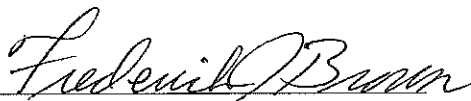
This is to certify that the original and one copy of this Consent Agreement and Final Order in the resolution of the civil administrative action involving The Ronald R. Underwood, Trust, was filed on March 29, 2012, with the Regional Hearing Clerk (E-19J), U.S. EPA, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, and that a true correct copy was sent by Certified Mail, Receipt No.7009 1680 0000 7672 1004 to:

Mr. Ronald R. Underwood
The Ronald R. Underwood Trust
152 Smith Street
Elmore, Ohio 43416

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PROTECTION AGENCY

and forwarded intra-Agency copies to:

Marcy Toney, Regional Judicial Officer, ORC/C-14J
Steven Kaiser, 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-05-2011-0016