



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

MAR 09 2011

REPLY TO THE ATTENTION OF:

LC-8J

CERTIFIED MAIL

Receipt No.7009 1680 0000 7662 1069

Mr. Eduart Tani  
3769 East Henry Avenue  
Cudahy, Wisconsin 53110

Eduart Tani, Docket No.TSCA-05-2010-0018

Dear Mr. Tani:

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 9, 2011, with the Regional Hearing Clerk.

The civil penalty in the amount of \$500.00 is to be paid in the manner described in paragraphs 10 and 11. Please be certain that the number **BD 2751147X004** and the docket number are written on both the transmittal letter and on the check. Payment is due by April 7, 2011 (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 "Pamela Grace".

Pamela Grace  
Pesticides and Toxics Compliance Section

Enclosures

cc: Eric Volck, Cincinnati Finance/MWD (w/Encl.)  
J. Mathew Moore, Counsel for Complainant/C-14J



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 he 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 assessment of the civil penalty specified in this CAFO and to the terms of this CAFO.

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

#### **Civil Penalties**

9. In consideration of Respondent's ability to pay claim, willingness to settle this matter, as well as other factors as justice may require, EPA agrees to mitigate the proposed penalty of \$36,260 to \$500.

10. Within 30 days after the effective date of this CAFO, Respondent must pay the \$500 civil penalty by sending a cashier's check or certified check, payable to the "*Treasurer, United States of America*," to:

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

The check must have the case title (Eduart Tani), 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 W. Jackson Boulevard  
Chicago, Illinois 60604

Pamela Grace (LC-8J)  
Pesticides and Toxics Compliance Section  
U.S. EPA, Region 5  
77 W. Jackson Boulevard  
Chicago, Illinois 60604

J. Matthew Moore (C-14J)  
Office of Regional Counsel  
U.S. EPA, Region 5  
77 W. 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 six percent per year penalty on any principal amount 90 days past due.

### **General Provisions**

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

16. This CAFO does not affect the right of the 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, and regulations.

18. The terms of this CAFO bind Respondent and his successors and assigns.


19. Each person signing this agreement certifies that he or she has the authority to sign this agreement 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 the entire agreement between the parties.

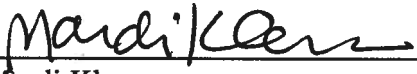
**For Eduart Tani, Respondent**

1-26-11  
Date


  
Eduart Tani

**United States Environmental Protection Agency, Complainant**

2-28-11  
Date

  
Mardi Klevs  
Chief  
Chemicals Management Branch  
Land and Chemicals Division

2/28/11  
Date

  
Bruce F. Sypniewski  
Acting Director  
Land and Chemicals Division

**In the Matter of:**

**Docket No. TSCA-05-2010-0018**

**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.

3-3-11

Date



Susan Hedman  
Regional Administrator  
United States Environmental Protection Agency  
Region 5

RECEIVED  
MAR 09 2011

REGIONAL HEARING CLERK  
USEPA  
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 Eduart Tani, was filed on March 9, 2011 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 7662 1069 to:

Eduart Tani  
3769 East Henry Avenue  
Cudahy, Wisconsin 53110

and forwarded intra-Agency copies to:

Marcy Toney, Regional Judicial Officer, ORC/C-14J  
J. Matthew Moore, 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-05-2010-0018

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USEPA  
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