



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

JAN 18 2012

REPLY TO THE ATTENTION OF:  
LC-8J

CERTIFIED MAIL

Receipt No.7009 1680 0000 7644 8703

Reverend Floyd E. Rose  
1619 N. Lee Str.  
Valdosta, GA 31602

**Rose Real Estate Properties, Inc. Docket No. TSCA -05-2011-0004**

Dear Rev. Rose:

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 January 18, 2012, with the Regional Hearing Clerk.

The civil penalty in the amount of \$100 is to be paid in the manner described in paragraphs 10 thru 11. Please be certain that the number **BD 2751247X007** and the docket number are written on both the transmittal letter and on the check. Payment is due by February 17, 2012 (within 30 calendar days of the filing date).

Thank you for your cooperation in resolving this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Julie Morris".

Julie Morris  
Pesticides and Toxics Compliance Section

Enclosures

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

RECEIVED

JAN 13 2012

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5

REGIONAL HEARING CLERK  
U.S. ENVIRONMENTAL  
PROTECTION AGENCY

In the Matter of:	)	Docket No. TSCA-05-2011-0004
	)	
Rose Real Estate Properties, Inc.,	)	Proceeding to Assess a Civil Penalty
Valdosta, Georgia,	)	Under Section 16(a) of the Toxic Substances
	)	Control Act, 15 U.S.C. § 2615(a)
Respondent	)	
_____	)	

**Consent Agreement and Final Order**

**Preliminary Statement**

1. Complainant, the Director of the Land and Chemicals Division, United States 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 August 17, 2011, EPA filed an Amended Complaint (Complaint) in this action against Respondent Rose Real Estate, Inc. 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 one contract 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.
5. Respondent waives any right to contest the allegations in the Complaint and its 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 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 Respondent's ability to pay, EPA agrees to mitigate the proposed penalty of \$4,850 to \$100.00.

10. Within 30 days after the effective date of this CAFO, Respondent must pay the \$100.00 civil penalty by sending a cashier's or certified check, payable to "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 on it *In re Rose Real Estate Properties, Inc.*, the docket number of this CAFO (TSCA-05-2011-0004), and the billing document number (which is listed on the cover letter to this agreement).

11. A transmittal letter stating Respondent's name, complete address, the case docket number (TSCA-05-2011-0004), and the billing document number (which is listed on the cover letter to this agreement), 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

Christine A. Anderson (LC-8J)  
Pesticides and Toxics Compliance Section  
U.S. EPA, Region 5  
77 West Jackson Boulevard  
Chicago, Illinois 60604

John C. Matson (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 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 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.

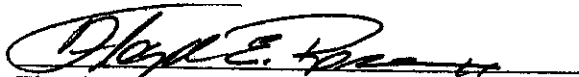
20. Each party agrees to bear its own costs and attorney's fees in this action.

21. This CAFO constitutes an entire agreement between the parties.

**Rose Real Estate Inc., Respondent**

Date


11/30/2011



Floyd R. Rose  
President  
Rose Real Estate Inc.

**United States Environmental Protection Agency, Complainant**

1/13/12  
Date

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

**In the Matter of:  
Rose Real Estate Properties, Inc.,  
Docket No.: TSCA-05-2011-0004**

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**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.

1-13-12

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 Rose Real Estate Properties, Inc., was filed on January 18, 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 7644 8703 to:

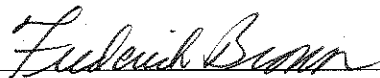
Reverend Floyd E. Rose  
1619 N. Lee Str.  
Valdosta, GA 31602

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U.S. ENVIRONMENTAL  
PROTECTION AGENCY

and forwarded intra-Agency copies to:

Marcy Toney, Regional Judicial Officer, ORC/C-14J  
John C. Matson, 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 -05-2011-0004