



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

JUN 06 2011

REPLY TO THE ATTENTION OF:

LC-8J

CERTIFIED MAIL

Receipt No.7009 1680 0000 7666 6657

Mr. Wade Taatjes  
3700 Dutchess Avenue, SE  
Grand Rapids, Michigan 49526

Wade Taatjes, a/k/a Dennis Wade Taatjes

TSCA-05-2010-0011

Dear Mr. Taatjes:

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 June 6, 2011, with the Regional Hearing Clerk.

The civil penalty in the amount of \$3,000.00 is to be paid in the manner described in paragraphs 10 and 11. Please be certain that the number BD-2751167X008 and the docket number are written on both the transmittal letter and on the check. Payment is due by July 6, 2011, (within 30 calendar days of the filing date).

Thank you for your cooperation in resolving this matter.

Sincerely,

for/ Christine Anderson  
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-05-2010-0011</b>
	)	
<b>Wade Taatjes, a/k/a</b>	)	<b>Proceeding to Assess a Civil Penalty</b>
<b>Dennis Wade Taatjes,</b>	)	<b>Under Section 16(a) of the Toxic Substances</b>
	)	<b>Control Act, 15 U.S.C. § 2615(a)</b>
<b>Grand Rapids, Michigan,</b>	)	
	)	
<b>Respondent.</b>	)	

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**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 May 10, 2010, EPA filed the Complaint in this action against Respondent Wade Taatjes, a/k/a Dennis Wade Taatjes. 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(a)(1)-(5), 745.113(a)(7), and 745.113(b)(3), (b)(4), and (b)(6), in two contracts to sell target housing and two 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.

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 fully complying 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 good-faith, cooperation, litigation costs, and other mitigating factors, EPA agrees to mitigate the proposed penalty of \$8,768 to \$3,000.

10. Respondent must pay a \$3,000 civil penalty with interest in eight installments, as follows:

<u>Installment</u>	<u>Due by</u>	<u>Payment</u>	<u>Principal</u>	<u>Interest (1%)</u>
Payment #1	Within 14 days of effective date of CAFO	\$750	\$750	\$0.00
Payment #2	Within 30 days of effective date of CAFO	\$325	\$325	\$0.00
Payment #3	Within 60 days of effective date of CAFO	\$326.58	\$325	\$1.58
Payment #4	Within 90 days of effective date of CAFO	\$326.32	\$325	\$1.32

Payment #5	Within 120 days of effective date of CAFO	\$326.05	\$325	\$1.05
Payment #6	Within 150 days of effective date of CAFO	\$325.75	\$325	\$0.78
Payment #7	Within 180 days of effective date of CAFO	\$325.55	\$325	\$0.55
Payment #8	Within 210 days of effective date of CAFO	\$300.25	\$325	\$.25

Respondent must pay the installments by sending a cashier's or certified check, payable to "Treasurer, United States of America," either by:

(1) regular U.S. Postal Service mail to

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

(2) or, by express mail to:

U.S. Bank  
 Government Lockbox 979077  
 U.S. EPA Fines and Penalties  
 Contact: Natalie Pearson  
 1005 Convention Plaza  
 Mail Station SL-MO-C2-GL  
 St. Louis, Missouri 63101

The comment or description field of the check must state "*In re Wade Taatjes, a/k/a Dennis Wade Taatjes,*" 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

Christine L. 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 any installment payment as set forth in paragraph 10, above, the entire unpaid balance of the civil penalty, shall become due and owing upon written notice by EPA to Respondent of the delinquency. 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 his 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 the entire agreement between the parties.

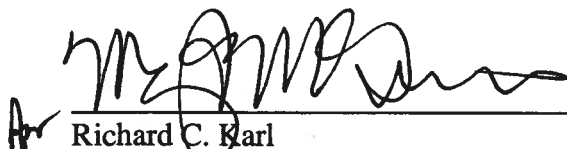
**Wade Taatjes, a/k/a Dennis Wade Taatjes, Respondent**

5/6/11  
Date

  
\_\_\_\_\_  
Wade Taatjes, a/k/a Dennis Wade Taatjes

**United States Environmental Protection Agency, Complainant**

May 27, 2011  
Date

  
\_\_\_\_\_  
Richard C. Karl  
Acting Director  
Land and Chemicals Division

**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 Wade Taatjes, d/b/a Dennis Wade Taatjes, was filed on June 6, 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 7666 6657 to:

Mr. Wade Taatjes  
3700 Dutchess Avenue, SE  
Grand Rapids, Michigan 49526

and forwarded intra-Agency copies to: during

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-05-2010-0011

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**In the Matter of:  
Wade Taatjes, a/k/a Dennis Wade Taatjes  
Docket No. TSCA-05-2010-0011**

**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.

6-1-11

Date



Susan Hedman  
Regional Administrator  
United States Environmental Protection Agency  
Region 5

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U.S. ENVIRONMENTAL  
PROTECTION AGENCY  
MAY 15 2011  
OFFICE OF REGIONAL  
COUNSEL