



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

77 WEST JACKSON BOULEVARD

CHICAGO, IL 60604-3590

MAR 13 2012

REPLY TO THE ATTENTION OF:

LC-8J

CERTIFIED MAIL

Receipt No.7009 1680 0000 7673 3458

Ms. Angela Davidson-Garlick
Evans Law Firm. P.C.
817 West U.S. Highway 50
O'Fallon, Illinois 62269

Babic Rental Ventures, LLC Consent Decree and Final Order,
Docket No.TSCA-05-2011-0018

Dear Ms. Davidson-Garlick:

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 13, with the Regional Hearing Clerk.

The civil penalty in the amount of \$16,557 is to be paid in the manner described in paragraphs 10 and 11. Please be certain that the number **BD 2751247X009** and the docket number are written on both the transmittal letter and on the check. Payment is due by April 13, 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

RECEIVED

MAR 13 2012

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5

REGIONAL HEARING CLERK
USEPA
REGION 5

)	Docket No. TSCA-05-2011-0018
In the Matter of:)	
)	Proceeding to Assess a Civil Penalty
Babic Rental Ventures, LLC)	Under Section 16(a) of the Toxic Substances
Belleville, Illinois)	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 (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 September 12, 2011, EPA filed the Complaint in this action against Respondent Babic Rental Ventures, LLC (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)(5) in six 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 its Answer.

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 the cooperation displayed by the Respondent, the immediate efforts taken to comply with the Disclosure Rule, Respondent's performance of a lead-based paint testing and visual assessment in accordance with HUD guidelines on January 5-7, 2011, (the Lead Inspection) and the manner in which the parties reached settlement in this matter, EPA agrees to mitigate the proposed penalty of \$32,555 to \$16,557.

10. Within 30 days after the effective date of this CAFO, Respondent must pay the \$16,557 civil penalty by sending a cashier's 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

11. Respondent must send a notice of payment that states Respondent's name, complete address, the case docket number and the billing document 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

John Tielsch (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 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.

Additional Provision

15. Respondent shall provide a copy of the January 5-7, 2011, Lead Inspection to each current tenant of the residential apartment building at 2615 West Boulevard, Belleville, Illinois, and to all future tenants prior to the tenant signing a lease for rental of an apartment at 2615 West Boulevard, Belleville, Illinois.

General Provisions

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

17. 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.

18. This CAFO does not affect Respondent's responsibility to comply with TSCA, the Lead-Based Hazard Reduction Act of 1992 and other applicable federal, state and local laws.

19. The terms of the CAFO bind the Respondent and its successors and assigns.

20. Each person signing this Consent Agreement certifies that he or she has the authority to sign this Consent Agreement for the party whom he or she represents and to bind that party to its terms.

21. Each party agrees to bear its own costs and fees in this action.

22. This CAFO constitutes the entire agreement between the Parties.

**In the Matter of:
Babic Rental Ventures, LLC**

Docket No. TSCA-05-2011-0018

Babic Rental Ventures LLC

Date: 2/7/2012


Respondent

**In the Matter of:
Babic Rental Ventures, LLC**

Docket No. TSCA-05-2011-0018

United States Environmental Protection Agency,
Complainant

Date: 3/07/12

Michael D. Harris *for M.G.*
Margaret M. Guerriero
Director
Land and Chemicals Division

RECEIVED

MAR 13 2012

REGIONAL HEARING CLERK
USEPA
REGION 5

In the Matter of:
Babic Rental Ventures, LLC

Docket No. TSCA-05-2011-0018

Final Order

This Consent Agreement and Final Order, as agreed to by the parties, will 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.

Date: 3-8-12



Susan Hedman
Regional Administrator
U.S. Environmental Protection Agency
Region 5

RECEIVED

MAR 13 2012

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 Babic Rental Ventures, LLC, was filed on March 13, 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 7673 3458 to:

Ms. Angela Davidson-Garlick
Evans Law Firm. P.C.
817 West U.S. Highway 50
O'Fallon, Illinois 62269

and forwarded intra-Agency copies to:

Marcy Toney, Regional Judicial Officer, ORC/C-14J
John Tielsch, Counsel for Complainant/C-14J
Eric Volck, Cincinnati Finance/MWD



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

Docket No. TSCA-05-2011-0018