



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

77 WEST JACKSON BOULEVARD

CHICAGO, IL 60604-3590

DEC 18 2011

REPLY TO THE ATTENTION OF:

LC-8J

CERTIFIED MAIL

Receipt No.7009 1680 0000 7644 8567

Mrs Leticia Gomez
1957 South 29th Street
Milwaukee, Wisconsin 53215

Re: Consent Agreement and Final Order, Docket No. TSCA-05-2011-0019 *24*

Dear Ms. Leticia Gomez:

Enclosed is a copy of an original fully executed Consent Agreement and Final Order in resolution of the above case. This document was filed on December 13, 2011, with the U.S. EPA, Region 5, Regional Hearing Clerk.

In consideration of Respondent's inability to pay the proposed penalty, EPA agrees to mitigate the proposed penalty of \$34,300 to \$0.

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 Toxic Compliance Section

Enclosure

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

RECEIVED

DEC 13 2011

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5

REGIONAL HEARING CLERK
U.S. ENVIRONMENTAL
PROTECTION AGENCY

In the Matter of:)	Docket No. TSCA-05-2011-001920
)	
Leticia Gomez,)	Proceeding to Assess a Civil Penalty
Milwaukee, Wisconsin,)	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 September 14, 2011, EPA filed the Complaint in this action against Respondent Leticia Gomez. 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 two contracts to lease target housing.

Stipulations

3. Respondent admits the jurisdictional allegations in the Complaint and neither admits nor denies the factual allegations in the Complaint.

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

5. Respondent certifies that she is complying fully with the Residential Lead-Based Paint Hazard Reduction Act of 1992 and the regulations at 40 C.F.R. Part 745.

6. Respondent consents to the assessment of the civil penalty stated in this CAFO and to the terms of this CAFO.

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

Civil Penalties

8. In consideration of Respondent's inability to pay the proposed penalty, EPA agrees to mitigate the proposed penalty of \$34,300 to \$0.

General Provisions

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

10. 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.

11. 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.

12. This CAFO constitutes a "history of prior violations" as that term is used in EPA's Section 1018 – Disclosure Rule Enforcement Response and Penalty Policy to determine Respondent's "history of prior such violations" under Section 16(a) of TSCA, 42 U.S.C. § 2615(a).

13. The terms of this CAFO bind Respondent and her successors and assigns.

14. 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.

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

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


Leticia Gomez, Respondent

11-9-11
Date


Leticia Gomez

United States Environmental Protection Agency, Complainant

11/30/11
Date


Margaret M. Guerriero
Director
Land and Chemicals Division

**In the Matter of: Leticia Gomez
Docket No. TSCA-05-2011-0019**

RECEIVED

DEC 13 2011

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.

12-9-11

Date



Susan Hedman
Regional Administrator
United States Environmental Protection Agency
Region 5

U.S. ENVIRONMENTAL
PROTECTION AGENCY

NOV 14 2011

OFFICE OF REGIONAL
COUNSEL

CERTIFICATE OF SERVICE

This is to certify that the original and one copy of this Consent Agreement and Final Order involving Leticia Gomez, was filed on December 13, 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 7644 8567, to:

Mrs Leticia Gomez
1957 South 29th Street
Milwaukee, Wisconsin 53215

with intra-Agency copies to:

Marcy Toney, Regional Judicial Officer, ORC/C-14J
Ann Coyle, 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

RECEIVED
DEC 13 2011

REGIONAL HEARING CLERK
U.S. ENVIRONMENTAL
PROTECTION AGENCY

Docket No. TSCA-05-2011-0019 22.