



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

REPLY TO THE ATTENTION OF:

LC-8J

CERTIFIED MAIL

Receipt No. 7001 0320 0006 0183 0562

Ms. Aretha Marshall
711 Boston Blvd.
Detroit, Michigan 48202

Re: Aretha Marshall,
Consent Agreement and Final Order, Docket No. TSCA- 05-2008-0008

Dear Ms. Marshall:

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 December 3, 2008, with the Regional Hearing Clerk.

The civil penalty in the amount of \$5,000 is to be paid in the manner described in paragraph 9. Please be certain that the number **BD 2750947X001** and the docket number are written on both the transmittal letter and on the check. Payment is due by January 2, 2009 (within 30 calendar days of the filing date).

Thank you for your cooperation in resolving this matter.

Sincerely,

Pamela Grace
Pesticides and Toxic Compliance Section

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PROTECTION AGENCY

Enclosures

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

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5

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In the Matter of:)
)
Aretha Marshall)
Detroit, Michigan)
)
Respondent.)
_____)

Docket No. TSCA-05-2008-0008
Proceeding to Assess a Civil Penalty
Under Section 16(a) of the Toxic Substances
Control Act, 15 U.S.C. § 2615(a)

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PROTECTION AGENCY

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 April 7, 2008, EPA filed the Complaint in this action against Respondent, Aretha Marshall. 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) in 11 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 her Answer.

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

6. 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.

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. Within 60 days after the effective date of this CAFO, Respondent must pay the \$5,000 civil penalty by sending a cashier's or certified check, payable to the "Treasurer, United States of America," to:

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

The check must state "In the Matter of: Aretha Marshall, Detroit, Michigan, Respondent," the case docket number of this CAFO, and the billing document number. A transmittal letter stating Respondent's name, complete address, the case docket number of this CAFO, 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-13J)
U.S. EPA, Region 5
77 W. Jackson Blvd.
Chicago, IL 60604

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

Jeffrey A. Cahn (C-14J)
Office of Regional Counsel
U.S. EPA, Region 5
77 W. Jackson Blvd.
Chicago, IL 60604

10. This civil penalty is not deductible for federal tax purposes.

11. 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.

12. 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.

13. Respondent must pay any stipulated penalties within 15 days of receiving EPA's written demand for the penalties. Respondent will use the method of payment specified in paragraph 9, above, and will pay interest, handling charges, and penalties on any overdue amounts as specified in paragraph 12, above.

General Provisions

14. This CAFO resolves only Respondent's liability for federal civil penalties for the

violations alleged in the Complaint.

15. 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.

16. 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.

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

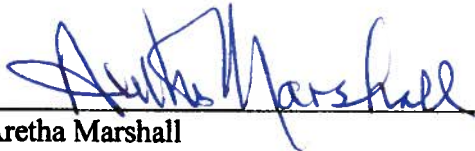
18. Each person signing this agreement certifies that he or she has the authority to sign for the party whom he or she represents and to bind that party to its terms.

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

20. This CAFO constitutes the entire agreement between the parties.


Aretha Marshall, Respondent

11-6-08
Date


Aretha Marshall

United States Environmental Protection Agency, Complainant

11/26/08
Date


Margaret M. Guerriero
Director
Land and Chemicals Division

**In the Matter of:
Aretha Marshall
Docket No. TSCA-05-2008-0008**

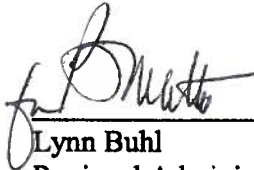
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Final Order

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.

12-1-08
Date



Lynn Buhl
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 administration involving Aretha Marshall was filed on December 3, 2008, with the Regional Hearing Clerk (E-13J), 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.7001 0320 0006 0183 0562,
Policy” to:

Aretha Marshall
711 Boston Blvd.
Detroit, Michigan 48202

and forwarded intra-Agency copies to:

Marcy Toney, Regional Judicial Officer, ORC/C-14J
Jeffery A. Cahn, 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

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