



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

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NOV 14 2012

REGIONAL HEARING CLERK
U.S. ENVIRONMENTAL
PROTECTION AGENCY

REPLY TO THE ATTENTION OF:
LC-8J

CERTIFIED MAIL

Receipt No. 7009 1680 0000 7668 0653

Samuel and Glenda Ascencio
64848 McIntosh Lane
Goshen, Indiana 46526

Consent Agreement and Final Order, In the Matter of Samuel and Glenda Ascencio
Docket No. TSCA-05-2011-0017

Dear Mr. & Mrs. Samuel Glenda:

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 November 14, 2012, with the Regional Hearing Clerk.

In accordance with paragraph 9 of the CAFO, there is no assessed civil penalty.

Thank you for your cooperation in resolving this matter.

Sincerely,

A handwritten signature in red ink that appears to read "Pamela Grace".

Pamela Grace
Pesticides and Toxic Compliance Section

Enclosures

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REGION 5

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PROTECTION AGENCY

In the Matter of:) Docket No. TSCA-05-2011-0017
)
Samuel and Glenda Ascencio) Proceeding to Assess a Civil Penalty
Goshen, Indiana) Under Section 16(a) of the Toxic Substances
Respondents) Control Act, 15 U.S.C. § 2615(a)
)
_____)

Consent Agreement and Final Order

Preliminary Statement

1. Complainant, the Director of the Land and Chemicals Division, U.S.

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 7, 2011, EPA filed the Complaint in this action against Samuel and Glenda Ascencio, Respondents. The Complaint alleges that Respondents 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 four contracts to lease target housing.

3. Respondents did not file an Answer and did not request a hearing in this matter.

Stipulations

4. Respondents admit the jurisdictional allegations in the Complaint and neither admit nor deny the factual allegations in the Complaint.

5. Respondents waive any right to contest the allegations in the Complaint and their right to appeal this Consent Agreement and Final Order (CAFO).

6. Respondents certify that they are complying fully with the Residential Lead-Based Paint Hazard Reduction Act of 1992 and the regulations at 40 C.F.R. Part 745.

7. Respondents consent 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 nature, circumstances, extent, and gravity of the violations, and, with respect to Respondents, ability to pay, effect on ability to continue to do business, any history of such prior violations, and the degree of culpability, EPA agrees to mitigate the proposed penalty of \$12,920 to \$0. Complainant also considered EPA's Section 1018 – Disclosure Rule Enforcement Response and Penalty Policy, dated December 2007.

General Provisions

10. This CAFO resolves only Respondents' liability for federal civil penalties for the violations alleged in the Complaint.

11. 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.

12. This CAFO does not affect Respondents' responsibility to comply with the Residential Lead-Based Paint Hazard Reduction Act of 1992 and other applicable federal, state, and local laws.

13. The terms of this CAFO bind Respondents, and their successors and assigns.

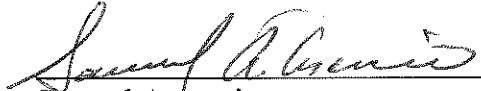
14. Each person signing this agreement certifies that he or she has the authority to sign for the party whom he or she represents and to bind that party to its terms.

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


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

Samuel and Glenda Ascencio, Respondents

10/1/12
Date



Samuel Ascencio

10-1-12
Date


Glenda Ascencio

United States Environmental Protection Agency, Complainant

11/9/2012
Date


Margaret M. Guerriero
Director
Land and Chemicals Division


**In the Matter of:
Samuel and Glenda Ascencio
Docket No. TSCA-05-2011-0017**

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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.

11-9-12
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 Samuel and Glenda Ascencio, was filed on November 14, 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 7668 0653 to:

Samuel and Glenda Ascencio
64848 McIntosh Lane
Goshen, Indiana 46526

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REGIONAL HEARING CLERK
U.S. ENVIRONMENTAL
PROTECTION AGENCY

and forwarded intra-Agency copies to:

Ann Coyle, Regional Judicial Officer, ORC/C-14J
Tamara Carnovsky, Counsel for Complainant/C-14J
Eric Volck, Cincinnati Finance/MWD

Frederick Brown

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

Docket No. TSCA-05-2011-0017