



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

MAY 12 2009

REPLY TO THE ATTENTION OF:

LC-8J

CERTIFIED MAIL

Receipt No.7001 0320 0006 0182 9368

Mr. Habeeba Shariff  
M. Anwar Shariff  
5145 W. Elm Street  
Skokie, Illinois 60077-2117

Mr. Habeeba Shariff and M. Anwar Shariff, Docket No. TSCA-05-2008-0007

Dear Mr. Shariff:

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 May 12, 2009, with the Regional Hearing Clerk.

The civil penalty in the amount of \$2,000 is to be paid in the manner described in paragraphs 10 and 11. Please be certain that the number **BD 2750947X007** and the docket number are written on both the transmittal letter and on the check. Payment is due by *June 12*, 2009, (within 30 calendar days of the filing date).

Thank you for your cooperation in resolving this matter.

Sincerely,

A handwritten signature in cursive script that reads "Estrella Calvo".

Estrella Calvo  
Pesticides and Toxic Compliance Section

Enclosures

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

RECEIVED  
MAY 12 2009

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY REGION 5  
REGIONAL HEARING CLERK ENVIRONMENTAL PROTECTION AGENCY

In the Matter of: )  
 )  
Habeeba Shariff, and )  
 )  
M. Anwar Shariff, )  
 )  
Respondents. )  
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Docket No. TSCA-05-2008-0007  
Proceeding to Assess a Civil  
Penalty Under Section 16(a)  
of the Toxic Substances 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, 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 March 20, 2008 EPA filed the Complaint in this action against Respondents Habeeba Shariff and M. Anwar Shariff. 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, in 5 contracts to lease target housing.

3. Respondents filed an Answer and requested 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 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 Respondents' cooperation, the immediate efforts taken to comply with the Disclosure Rule and the manner in which the parties reached settlement in this matter, U.S. EPA agrees to mitigate the proposed penalty of \$18,958 to \$2,000.

10. Within 30 days after the effective date of this CAFO, Respondents must pay the \$2,000 civil penalty by sending a cashier's or certified check, payable to the "Treasurer, United States of America," to:

***[for checks sent by regular U.S. Postal Service mail]***

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

***[for checks sent by express mail]***

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 check must state the case title, In the Matter of Habeeba Shariff and M. Anwar Shariff, the docket number of this CAFO, TSCA-05-2008-0007, and the billing document number.

11. A transmittal letter stating Respondents' names, complete address, the case docket number, and the billing document number must accompany the payment. Respondents 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

Estrella Calvo (LC-8J)  
Pesticides and Toxics Compliance Section  
U.S. EPA, Region 5  
77 West Jackson Boulevard  
Chicago, Illinois 60604

Michael Berman (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 Respondents do 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.

14. Pursuant to 31 C.F.R. § 901.9, Respondents 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. Respondents must pay a \$15 handling charge each month that any portion of the penalty is more than 30 days past due. In addition, Respondents must pay a 6 percent per year penalty on any principal amount 90 days past due.

**General Provisions**

15. This CAFO resolves only Respondents' 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 Respondents' 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 Respondents, and their 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 an entire agreement between the parties.

**Habeeba Shariff, Respondent**

4-30-09  
Date

H. Shariff.  
Habeeba Shariff

**M. Anwar Shariff, Respondent**

4-30-09  
Date

M. Anwar Shariff  
M. Anwar Shariff

**United States Environmental Protection Agency, Complainant**

5/8/09  
Date

*for* Willie H. Harris  
Margaret M. Guerriero  
Director  
Land and Chemicals Division

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PROTECTION AGENCY

**In the Matter of: Habeeba Shariff and M. Anwar Shariff**  
**Docket No. TSCA-05-2008-0007**

**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.

5/11/09  
Date

Walter M. Karaluz  
for  
Bharat Mathur  
Acting Regional Administrator  
United States Environmental Protection Agency  
Region 5

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MAY 11 2009

OFFICE OF REGIONAL  
COUNSEL

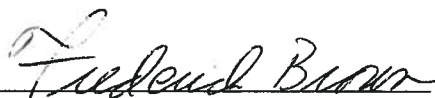
**CERTIFICATE OF SERVICE**

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 Mr. Habeeba Shariff and M. Anwar Shariff, was filed on May 12, 2009, 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.7001 0320 0006 0182 9368 to:

Mr. Habeeba Shariff  
M. Anwar Shariff  
5145 W. Elm Street  
Skokie, Illinois 60077-2117

and forwarded intra-Agency copies to:

Marcy Toney, Regional Judicial Officer, ORC/C-14J  
Michael Berman, 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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