



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

DEC 30 2009

REPLY TO THE ATTENTION OF:

LC-8J

CERTIFIED MAIL

Receipt No.7001 0320 0006 0189 9910

Yeng Lee, Esq.  
Attorney at Law  
3616 W. National Ave., Ste 201  
Milwaukee, WI 53215

Re: In the Matter of: Michael Cannon Consent Agreement and Final Order,  
Docket No. TSCA- 05-2008-0015


Dear Mr. Lee:

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 30, 2009, with the Regional Hearing Clerk.

The civil penalty in the amount of \$2000 is to be paid in the manner described in paragraphs 9, 10 and 11. Please be certain that the number **BD 2751067X006** and the docket number are written on both the transmittal letter and on the check. Payment is due by January 29, 2010 (within 30 calendar days of the filing date).

Thank you for your cooperation in resolving this matter.

Sincerely,

*for*   
Scott Cooper  
Pesticides and Toxic Compliance Section

Enclosures

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

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5

In the Matter of: )

Michael Cannon )  
Milwaukee, Wisconsin, )

Respondent. )

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Docket No. TSCA-05-2008-0015

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

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PROTECTION AGENCY

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 July 17, 2008, EPA filed the Complaint in this action against Respondent Michael Cannon. 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. §§ 745.107(a)(1) and 745.113(b)(1)-(4) and (6) in a contract to lease target housing. The Complaint was personally served on August 26, 2009.

3. Respondent filed an Answer and requested a hearing in this matter on September 17, 2009. The Answer included an inability to pay claim.

Stipulations

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

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

6. Respondent certifies that he 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 Respondent's limited ability to pay a penalty, EPA agrees to mitigate the proposed penalty of \$38,090 to \$2,000, to be paid in installments with interest as set forth in the following schedule of payment:

<b>Installment</b>	<b>Due By</b>	<b>Payment</b>	<b>Principal</b>	<b>Interest</b>
1 <sup>st</sup> payment	January 17, 2010	\$500.00	\$500.00	\$0.00
2 <sup>nd</sup> payment	April 18, 2010	\$511.10	\$500.00	\$11.10
3 <sup>rd</sup> payment	August 16, 2010	\$507.40	\$500.00	\$7.40
4 <sup>th</sup> payment	December 14, 2010	\$503.70	\$500.00	\$3.70
<b>Totals:</b>		<b>\$2,022.20</b>	<b>\$2,000.00</b>	<b>\$22.20</b>

10. Respondent must pay the 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 "In the Matter of Michael Cannon," the docket number of this CAFO, and the billing document number.

11. A transmittal letter stating Respondent's name, complete address, the case docket number, 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-19J)  
U.S. EPA, Region 5  
77 West Jackson Boulevard  
Chicago, Illinois 60604

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

Maria Gonzalez (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 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.

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.

15. If Respondent fails to comply with any provision of this CAFO, the full amount of civil penalty proposed in the CAFO, that being \$2,000, shall immediately become due and owing, to be paid by Respondent as provided in paragraphs 10-12, minus any penalty amounts on the principal earlier paid by Respondent. (See 31 C.F.R. § 901.8)

#### **General Provisions**

16. This CAFO resolves only Respondent's liability for federal 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 the Residential Lead-Based Paint Hazard Reduction Act of 1992 and other applicable federal, state, and local laws.

19. The terms of this CAFO bind Respondent, and his successors and assigns.

20. 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.

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

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

**In the Matter of:**

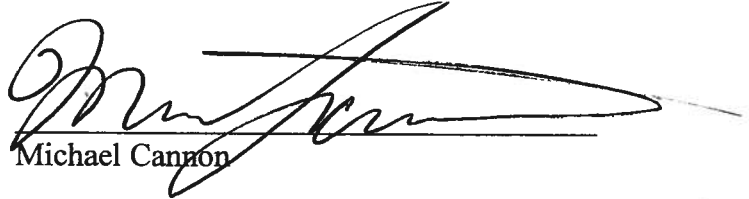
**Michael Cannon**

**Docket No. TSCA-05-2008-0015**

**Michael Cannon, Respondent**

12-15-2009

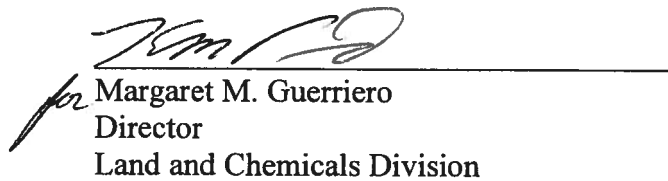
Date

  
\_\_\_\_\_  
Michael Cannon

**United States Environmental Protection Agency, Complainant**

12.23.2009

Date

  
\_\_\_\_\_  
for Margaret M. Guerriero  
Director  
Land and Chemicals Division

**In the Matter of:  
Michael Cannon  
Docket No. TSCA-05-2008-0015**

**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.

Date

12-23-09



\_\_\_\_\_  
Bharat Mathur  
Acting Regional Administrator  
United States Environmental Protection Agency  
Region 5

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**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 Michael Cannon was filed on December 30, 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 0189 9910 to:

Yeng Lee, Esq.  
Attorney at Law  
3616 W. National Ave., Ste 201  
Milwaukee, WI 53215

and forwarded intra-Agency copies to:

Marcy Toney, Regional Judicial Officer, ORC/C-14J  
Maria Gonzalez, 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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