

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 10

In the Matter of:)	
)	DOCKET NO. TSCA-10-2022-0225
)	
M PROPERTY)	EXPEDITED SETTLEMENT
MANAGEMENT, LLC,)	AGREEMENT AND
)	FINAL ORDER
Wenatchee, Washington,)	
)	
Respondent.)	
)	

EXPEDITED SETTLEMENT AGREEMENT and FINAL ORDER

1. The U.S. Environmental Protection Agency (“EPA”) alleges that M Property Management, LLC (“Respondent”) failed to comply with Section 1018 of the Residential Lead-based Paint Hazard Reduction Act of 1992, 42 U.S.C. § 4852d (“Section 1018 Disclosure Rule”).

2. Respondent is a lessor of target housing as those terms are defined at 40 C.F.R. § 745.103 and is therefore subject to the requirements of 40 C.F.R. Section 745, Subpart F, “Disclosure of Known Lead-Based Paint and/or Lead-Based Paint Hazards Upon Sale or Lease of Residential Property.”

3. Under the Section 1018 Disclosure Rule, Respondent was required to: include, as an attachment to or within each contract to lease target housing, a Lead Warning Statement and a statement disclosing the presence of known lead-based paint and/or lead-based paint hazards in the target housing being leased or indicating no knowledge of the presence of lead-based paint and/or lead-based paint hazards, pursuant to 40 C.F.R. § 745.113(b)(1)-(2); and retain a copy of

the completed attachment or lease contract containing the required information for no less than three years from the commencement of the leasing period, pursuant to 40 C.F.R. § 745.113(c)(1).

4. Respondent failed to retain a copy of the completed attachment or lease contract as required by 40 C.F.R. § 745.113(c)(1) for a lease of the property at 64 North James Avenue, Unit B in East Wenatchee, Washington, commencing on May 21, 2021.

5. In determining the amount of penalty to be assessed, EPA has taken into account the factors specified in Section 16(a)(2)(B) of TSCA, 15 U.S.C. § 2615(a)(2)(B). After considering these factors, EPA has determined and Respondent agrees that an appropriate penalty to settle this action is **\$200**.

6. Upon signing this Expedited Settlement Agreement (“Agreement”), Respondent shall deposit the civil penalty amount listed in paragraph 5 by one of the following methods:

6.1. Send a cashier’s or certified check or money order with a notation for TSCA-10-2022-0225 payable to the order of the “Treasury of the United States of America” to the following address:

U.S. Environmental Protection Agency
Fines and Penalties
Docket No. TSCA-10-2022-0225
Cincinnati Finance Center
P.O. Box 979077
St. Louis, Missouri 63197-9000

6.2. Send a cashier’s or certified check or money order by an overnight/common carrier (e.g., FedEx® or United Parcel Service of America, Inc.) with a notation for TSCA-10-2022-0225 payable to the order of the “Treasury of the United States of America” to the following address:

U.S. Environmental Protection Agency
Government Lockbox 979077
Docket No. TSCA-10-2022-0225
1005 Convention Plaza
SL-MO-C2-GL
St. Louis, Missouri 63101

6.3. Make an electronic deposit for payment (Vendor Express, Fedwire, Pay.gov) at <http://www2.epa.gov/financial/makepayment> following the online directions for an electronic funds transfer (EFT).

7. Concurrently with the deposit under paragraph 6, Respondent shall forward a scanned PDF copy of the Expedited Settlement Agreement containing Respondent's wet ink signature, and a copy of the cashier's or certified check or money order or documentation of a wire transfer to Maria Tartaglia, Lead-Based Paint Compliance Officer at the following email address: tartaglia.maria@epa.gov. By written notice to Respondent, EPA may change the address and/or person listed above.

8. EPA is authorized to enter into this Agreement, and this proceeding for the assessment of a civil penalty is simultaneously commenced and concluded, pursuant to Section 16 of TSCA, 15 U.S.C. § 2615, and 40 C.F.R. § 22.13(b).

9. In signing this Agreement, for purposes of this proceeding, Respondent: (a) admits that EPA has jurisdiction over Respondent and Respondent's conduct as alleged herein; (b) neither admits nor denies the factual allegations in this Agreement; (c) consents to the assessment of this penalty; and (d) waives any right to contest the allegations contained in this Agreement, and its right to appeal the attached Final Order.

10. By its signature below, Respondent certifies, subject to civil and criminal penalties for making a false submission to the United States Government, that Respondent: (a) is

currently in compliance with the requirements of the Section 1018 Disclosure Rule; (b) agrees to provide a deposit for payment of the civil penalty as set forth in paragraph 6; (c) agrees to submit a true and accurate proof of deposit for payment of the civil penalty as set forth in paragraph 7; and (d) agrees to release said deposit for payment to EPA upon entry of the Final Order attached hereto.

11. Upon the effective date of this Agreement and subsequent payment of the civil penalty as set forth in paragraph 6, Respondent shall be relieved of liability for Federal civil penalties for the violation(s) and facts alleged herein.

12. The penalty, including interest, paid by Respondent pursuant to the requirements of this Agreement, represents civil penalties assessed by EPA, and shall not be deductible for purposes of federal, state, or local income taxes.

13. EPA reserves all of its rights to take enforcement action for any other past, present, or future violations by Respondent of the Section 1018 Disclosure Rule, any other federal statute or regulation, or this Agreement.

14. Failure of Respondent to remit the civil penalties provided herein will result in this matter being forwarded to the United States Department of Justice for collection of the amount due, plus stipulated penalties and interest at the statutory judgment rate provided in 28 U.S.C. § 1961.

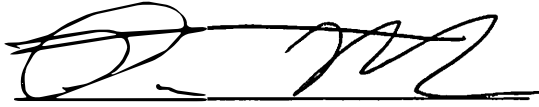
15. Each party shall bear its own costs and fees, if any.

16. The Agreement authorized by EPA's execution of the Final Order attached hereto constitutes a final order under 40 C.F.R. Part 22.

17. This Agreement is binding on the parties signing below, and in accordance with 40 C.F.R. § 22.31(b), is effective upon filing.

IT IS SO AGREED,

Respondent Name (print):



Respondent Title (print):

PATRICK McLeah - owner/President.

Respondent Signature:



Date: 8-25-20

APPROVED BY EPA:

Edward J. Kowalski, Director
Enforcement and Compliance Assurance Division
EPA Region 10

Date: _____

FINAL ORDER

Pursuant to the authority of Section 16 of TSCA, 15 U.S.C. § 2615, and according to the terms of the Expedited Settlement Agreement, IT IS HEREBY ORDERED THAT:

This agreement shall be effective upon the filing of the Final Order by the Regional Hearing Clerk for EPA, Region 10. Unless otherwise stated, all time periods stated herein shall be calculated in calendar days from such date.

SO ORDERED this _____ day of _____, 2022.

RICHARD MEDNICK
Regional Judicial Officer
EPA Region 10

Certificate of Service

The undersigned certifies that the original of the attached **EXPEDITED SETTLEMENT AGREEMENT AND FINAL ORDER, In the Matter of: M PROPERTY MANAGEMENT, LLC, Docket No. TSCA-10-2022-0225** was filed with the Regional Hearing Clerk, and was served on the addressees in the following manner on the date specified below:

The undersigned certifies that a true and correct copy of the document was delivered electronically to:

Maria "Sucky" Tartaglia
Lead-Based Paint Compliance Officer
U.S. Environmental Protection Agency, Region 10
1200 Sixth Avenue, Suite 155, 20-C04
Seattle, Washington 98101
tartaglia.maria@epa.gov

Further, the undersigned certifies that a true and correct copy of the aforementioned document was delivered electronically to:

Mr. Nick McLean
M Property Management, LLC
29 South Wenatchee Avenue
Wenatchee, Washington 98801
nick@nickmclean.com

DATED this _____ day of _____, 2022.

Regional Hearing Clerk
EPA Region 10