



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590
APR 19 2010

REPLY TO THE ATTENTION OF:

LC-8J

CERTIFIED MAIL

Receipt No. 7001 0320 0006 0189 7831

Mr. Rich PUNCHES
5 Cummings Avenue, NW
Grand Rapids, Michigan 49534

Re: Consent Agreement and Final Order, Docket No. TSCA-05-2009-0010

Dear Mr. PUNCHES:

Attached are two copies of a CAFO (with ORC Concurrence) in a settlement of a Section 1018 action against Rick PUNCHES, of Grand Rapids, Michigan, for violations of the Real Estate Notification and Disclosure Rule. The Respondent will pay no penalty due to his documented inability to pay, which was evaluated by the Budget and Finance Section. Respondent admits all of the factual allegations in the complaint.

The Pesticides and Toxics Compliance Section has reviewed this document and concurs in its issuance.

Sincerely,

A handwritten signature in black ink, appearing to read "Scott Cooper".

Scott Cooper
Pesticides and Toxic Compliance Section

Enclosure

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

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5**

In the Matter of:)	Docket No. TSCA-05-2009-0010
)	
Rick Punches)	Proceeding to Assess a Civil Penalty
Grand Rapids, Michigan)	Under Section 16(a) of the Toxic Substances
)	Control Act, 15 U.S.C. § 2615(a)
Respondent.)	
<hr/>)	

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Consent Agreement and Final Order

Preliminary Statement

**REGIONAL HEARING CLERK
U.S. ENVIRONMENTAL
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 23, 2009, EPA filed the Complaint in this action against Respondent Rick Punches. 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(a)(1) - (5) and (7) and 745.113(b)(1)-(4) and (6) in certain contracts to sell or lease target housing. The Complaint noted that Respondent had verbally asserted an inability to pay the penalty, which was referenced in an earlier notice of intent to file the complaint, and that EPA would consider any credible information Respondent submitted to support that claim.

3. Respondent submitted documentation to support its claim of inability to pay in correspondence dated July 14, 2009 and December 1, 2009.

Stipulations

4. Respondent admits the jurisdictional allegations in the Complaint and admits 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 inability to pay a penalty, EPA agrees to mitigate the proposed penalty of \$18,470 to \$0.

General Provisions

10. This CAFO resolves only Respondent's 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 Respondent's 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 Respondent, and his 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.

Rick PUNCHES, Respondent

3-12-10
Date

R. PUNCHES
Rick PUNCHES

United States Environmental Protection Agency, Complainant

4/14/10
Date

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

In the Matter of:
Rick Punches
Docket No. TSCA-05-2009-0010

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Final Order

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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.

4/15/10
Date

Walter W. Karalush
for
Bharat Mathur
Acting Regional Administrator
United States Environmental Protection Agency
Region 5

U.S. ENVIRONMENTAL PROTECTION AGENCY
REGIONAL HEARING CLERK
APR 19 2010

CERTIFICATE OF SERVICE

This is to certify that the original and one copy of this Complaint involving Rich Punches, was filed on April 19, 2010, 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 7831, to:

Mr. Rich Punches
5 Cummings Avenue, NW
Grand Rapids, Michigan 49534

with intra-Agency copies to:

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

Docket No. TSCA-05-2009-0010

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