

U. S. ENVIRONMENTAL PROTECTION AGENCY  
REGION VII  
901 N. 5<sup>th</sup> STREET  
KANSAS CITY, KANSAS 66101

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ENVIRONMENTAL PROTECTION  
AGENCY-REGION VII  
REGIONAL HEARING CLERK

**BEFORE THE ADMINISTRATOR**

In the Matter of )  
)  
United Management L.L.C. ) Docket No. TSCA-07-2007-0021  
835 Gordon Drive )  
Sioux City, Iowa 51101 )  
)  
Respondent. )

**JOINT MOTION TO AMEND CONSENT AGREEMENT AND FINAL ORDER**

Preliminary Statement

The United States Environmental Protection Agency (EPA), Region 7 and United Management L.L.C. (Respondent) agreed to a settlement of Respondent's violations of the Toxic Substances Control Act (TSCA) and memorialized the settlement through a Consent Agreement and Final Order (CAFO) on May 9, 2007. The Respondent violated Section 409 of TSCA, 15 U.S.C. § 2689, by failing to comply with the regulatory requirements of 40 C.F.R. Part 745, Subpart F, *Disclosure of Known Lead-Based Paint and/or Lead-Based Paint Hazards Upon Sale or Lease of Residential Property*, promulgated pursuant to Section 1018 of the Residential Lead-Based Paint Hazard Reduction Act of 1992, 42 U.S.C. § 4852d.

The CAFO ordered Respondent to pay a mitigated penalty of \$5,110 plus \$111.12 interest over a period of twelve months. The CAFO ordered Respondent to pay the total penalty of \$5,211.12 in monthly installments of \$434.26. The first installment was due thirty days after the effective date of the CAFO, or June 9, 2007.

Since the effective date of the CAFO, May 9, 2007, Respondent made two penalty payments totaling \$651.39. Respondent contacted EPA on August 7, 2007 via e-mail and expressed an inability to make the monthly payments. During negotiations Respondent claimed it had an inability to pay the penalty and provided EPA documentation in support of that claim. EPA analyzed this information and concluded that Respondent had an inability to pay the penalty in a lump sum, and therefore offered the twelve month payment plan. Respondent's financial situation has not improved and has requested a twenty-three month payment plan. EPA does not object to Respondent's request.

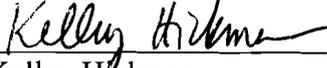
The Amended Consent Agreement and Final Order adjusts the interest due on the penalty, the monthly payment amount, and the duration of the payment plan. Respondent and Complainant have signed the Amended CAFO. Attachment 1.

No other changes to the CAFO have been made.

Motion

Pursuant to 40 C.F.R. § 22.16, Complainant and Respondent hereby move for an Order granting this Joint Motion to file an Amended Consent Agreement and Final Order.

Respectfully Submitted,

  
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Kelley Hickman  
Counsel for Complainant

CERTIFICATE OF SERVICE

I hereby certify that on the 10th day of September, 2007, I filed the Original Joint Motion to Amend Consent Agreement and Final Order with the Regional Hearing Clerk, EPA Region 7, 901 North Fifth Street, Kansas City, Kansas 66101. I also delivered copies of this document to the following:

VIA CERTIFIED MAIL:

Jamie Ummach  
835 Gordon Drive  
Sioux City, Iowa 51101

Ethel C. Unatchett

9/10/07  
Date