



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

REPLY TO THE ATTENTION OF:

LC-8J

CERTIFIED MAIL

Receipt No. 7009 1680 0000 7672 0953

Ms. Lorri J. Britsch
Ritter, Robinson, McCready & James, LTD
405 Madison Avenue, Suite 1850
Toledo, Ohio 43604

Mr. Thomas J. Dianne M. Woodruff, Consent Decree and Final Order,
Docket No. TSCA-05-2012-0010

Dear Mr. Britsch:

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 February 6, 2012, with the Regional Hearing Clerk.

The civil penalty in the amount of \$16,200 is to be paid in the manner described in paragraphs 9 and 10. Please be certain that the number BD 2751247X008 and the docket number are written on both the transmittal letter and on the check. Payment is due by June 6, 2012 (within 30 calendar days of the filing date).

Thank you for your cooperation in resolving this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Julie Morris".

Julie Morris
Pesticides and Toxics Compliance Section

Enclosures

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

RECEIVED

FEB 06 2012

REGIONAL HEARING CLERK
USEPA
REGION 5

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5

In the Matter of:)	Docket No.
)	
Thomas J. and Dianne M. Woodruff)	Proceeding to Assess a Civil
Luckey, Ohio,)	Penalty under Section 16(a) of the
)	Toxic Substances Control Act,
Respondent.)	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 December 15, 2011, EPA filed the Complaint in this action against Respondents Thomas J. and Dianne M. Woodruff. 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(b)(1), (2), (3), (4) and (6) in one contract to lease target housing.

Stipulations

3. Respondents admit the jurisdictional allegations in the Complaint and neither admit nor deny the factual allegations in the Complaint.

4. Respondents waive any right to contest the allegations in the Complaint and their right to appeal this Consent Agreement and Final Order (CAFO).

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5. 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.

6. Respondents consent to the assessment of the civil penalty stated in this CAFO and to the terms of this CAFO.

7. The parties agree that settling this action without further litigation, upon the terms of this CAFO, is in the public interest.

Civil Penalty

8. In consideration of the nature, circumstances, extent and gravity of the violations, and, with respect to Respondents, any history of such prior violations and the degree of culpability, EPA agrees to mitigate the proposed penalty of \$27,090 to \$16,200.

9. Within 30 days after the effective date of this CAFO, Respondents must pay a \$16,200 civil penalty for the TSCA violations by sending a cashier's or certified check, payable to "Treasurer, United States of America," by U.S. Postal Service mail, to:

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

The check must state the case title, in the matter of: Thomas J. and Dianne M. Woodruff, the docket number of this CAFO, and the billing document number.

10. A transmittal letter stating Respondents' name, the case title, Respondents' 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

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

Ann Coyle (C-14J)
Office of Regional Counsel
U.S. EPA, Region 5
77 West Jackson Boulevard
Chicago, Illinois 60604

11. This civil penalty is not deductible for federal tax purposes.

12. If Respondents do not pay timely the civil penalty, 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.

13. 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 the payment was due at a rate established pursuant to 31 U.S.C. § 3717. 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

14. This CAFO resolves only Respondents' liability for federal civil penalties for the violations alleged in the CAFO.

15. This CAFO does not affect the rights of EPA or the United States to pursue appropriate injunctive or other equitable relief or criminal sanctions for any violation of law.

16. This CAFO does not affect Respondents' responsibility to comply with the Residential Lead-Based Paint Hazard Reduction Act of 1992, 40 C.F.R. Part 745 and other applicable federal, state and local laws.

17. The terms of this CAFO bind Respondents and their successors and assigns.

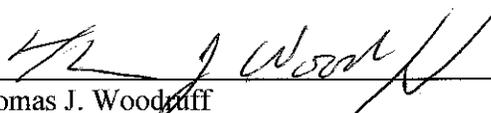
18. Each person signing this agreement certifies that he or she has the authority to sign for the party whom he or she represents and to bind that party to its terms.

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

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

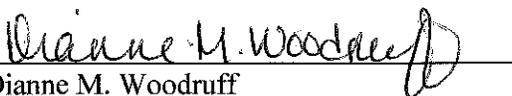
Thomas J. Woodruff, Respondent

1/13/12
Date


Thomas J. Woodruff

Diane M. Woodruff, Respondent

1/13/12
Date


Dianne M. Woodruff

United States Environmental Protection Agency, Complainant

2/1/12
Date


Margaret M. Guerriero
Director
Land and Chemicals Division

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In the Matter of:
Thomas J. and Dianne M. Woodruff
Docket No. TSCA-05-2012-0010

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.

2-2-12

Date



Susan Hedman
Regional Administrator
United States Environmental Protection Agency
Region 5

U.S. ENVIRONMENTAL PROTECTION AGENCY

REGIONAL OFFICE

REGIONAL HEARING CLERK

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. Thomas J. and Ms. Dianne M. Woodruff, was filed on February 6, 2012, 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. 7009 1680 0000 7672 0953 to:

Ms. Lorri J. Britsch
Ritter, Robinson, McCreedy & James, LTD
405 Madison Avenue, Suite 1850
Toledo, Ohio 43604

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and forwarded intra-Agency copies to:

Marcy Toney, Regional Judicial Officer, ORC/C-14J
Ann Coyle, 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-05-2012-0010