



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGIONS 5

77 WEST JACKSON BOULEVARD

CHICAGO, IL 60604-3590

MAR 20 2008

REPLY TO THE ATTENTION OF:

L-8J

CERTIFIED MAIL

Receipt No. 7001 0320 0006 0185 7545

Habeeba Shariff
3957 North Ashland
Chicago, Illinois 60613

TSCA-05-2008-0007

Dear Sir or Madam:

Enclosed is a Complaint, which specifies the United States Environmental Protection Agency's (U.S. EPA's) determination of violations of Section 1018 of the Residential Lead Based Paint Hazard Reduction Act of 1992, 42 U.S.C. §§ 4851 *et seq.* The allegations in the Complaint state the reasons for U.S. EPA's determination. I recommend that you carefully read and analyze the Complaint and the enclosed Consolidated Rules of Practice, 40 C.F.R. Part 22, to determine the alternatives available in responding to the alleged violations, proposed penalties and opportunity for a hearing.

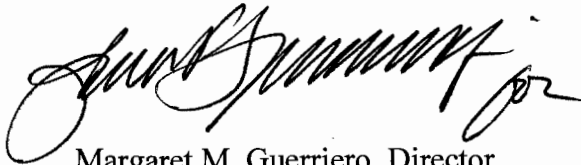
Accompanying this Complaint is a Notice of Opportunity for Hearing. Should you wish to contest the Complaint, you must file a written request for a hearing with the Regional Hearing Clerk within thirty (30) days after service of this Complaint. You must file the request for hearing with the Regional Hearing Clerk (E-13J), U.S. EPA, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604. You must also send a copy of your request to Michael Berman, Office of Regional Counsel (C-14J), at the above address. If you have any questions about this matter, you may phone Mr. Berman at (312) 886-6837.

Failure to respond to this Complaint by specific answer within 30 days of its receipt by you constitutes your admission of the allegations in the Complaint. Failure to respond to this Complaint may result in the issuance of a Default Order imposing the proposed penalties.

Regardless of whether you choose to request a hearing within the prescribed time limit following the filing of this Complaint, U.S. EPA extends to you the opportunity to request an informal settlement conference. The settlement conference discussions may include the mitigation of the proposed penalty in accordance with U.S. EPA guidance on pollution prevention and supplemental environmental projects. A request for an informal settlement conference with U.S. EPA will not affect or extend the thirty (30) day deadline to file an Answer in order to avoid a Finding of Default on the Complaint.

If you have any questions or want to request an informal settlement conference with the Chemicals Management Branch staff, please contact Estrella Calvo, U.S. EPA, Pesticides and Toxics Compliance Section (LC-8J), 77 West Jackson Boulevard, Chicago, Illinois 60604. She may also be reached at (312) 353-8931.

Sincerely,

A handwritten signature in black ink, appearing to read "Margaret M. Guerriero". The signature is fluid and cursive, with a small flourish at the end.

Margaret M. Guerriero, Director
Land and Chemicals Division

Enclosures



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGIONS 5

77 WEST JACKSON BOULEVARD

CHICAGO, IL 60604-3590

MAR 20 2008

REPLY TO THE ATTENTION OF:

L-8J

CERTIFIED MAIL

Receipt No. 7001 0320 0006 0185 7521

M. Anwar Shariff
1529A Irving Park Road
Chicago, Illinois 60613

TSCA-05-2008-0007

Dear Mr. Shariff:

Enclosed is a Complaint, which specifies the United States Environmental Protection Agency's (U.S. EPA's) determination of violations of Section 1018 of the Residential Lead Based Paint Hazard Reduction Act of 1992, 42 U.S.C. §§ 4851 *et seq.* The allegations in the Complaint state the reasons for U.S. EPA's determination. I recommend that you carefully read and analyze the Complaint and the enclosed Consolidated Rules of Practice, 40 C.F.R. Part 22, to determine the alternatives available in responding to the alleged violations, proposed penalties and opportunity for a hearing.

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Margaret M. Guerriero, Director
Land and Chemicals Division

Enclosures



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

MAR 20 2008

REPLY TO THE ATTENTION OF:

L-8J

CERTIFIED MAIL

Receipt No. 7001 0320 0006 0185 7514

M. Anwar Shariff
18281 Cone Flower Lane
Eden Prairie, Minnesota 55346

TSCA-05-2008-0007

Dear Mr. Shariff:

Enclosed is a Complaint, which specifies the United States Environmental Protection Agency's (U.S. EPA's) determination of violations of Section 1018 of the Residential Lead Based Paint Hazard Reduction Act of 1992, 42 U.S.C. §§ 4851 *et seq.* The allegations in the Complaint state the reasons for U.S. EPA's determination. I recommend that you carefully read and analyze the Complaint and the enclosed Consolidated Rules of Practice, 40 C.F.R. Part 22, to determine the alternatives available in responding to the alleged violations, proposed penalties and opportunity for a hearing.

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Margaret M. Guerriero, Director
Land and Chemicals Division

Enclosures



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGIONS 5

77 WEST JACKSON BOULEVARD

CHICAGO, IL 60604-3590

MAR 20 2008

REPLY TO THE ATTENTION OF:

L-8J

CERTIFIED MAIL

Receipt No. 7001 0320 0006 0185 7538

Habeeba Shariff
5145 West Elm
Skokie, Illinois 60077

TSCA-05-2008-0007

Dear Sir or Madam:

Enclosed please find a Complaint, which specifies the United States Environmental Protection Agency's (U.S. EPA's) determination of violations of Section 1018 of the Residential Lead Based Paint Hazard Reduction Act of 1992, 42 U.S.C. §§ 4851 *et seq.* The allegations in the Complaint state the reasons for U.S. EPA's determination. I recommend that you carefully read and analyze the Complaint and the enclosed Consolidated Rules of Practice, 40 C.F.R. Part 22, to determine the alternatives available in responding to the alleged violations, proposed penalties and opportunity for a hearing.

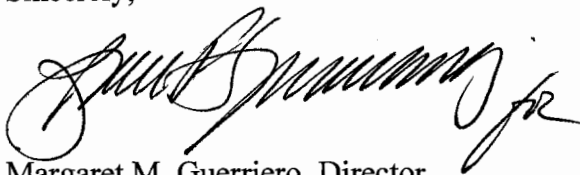
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Sincerely,

A handwritten signature in black ink, appearing to read "Margaret M. Guerriero". The signature is fluid and cursive, with a large initial "M" and a "jr" at the end.

Margaret M. Guerriero, Director
Land and Chemicals Division

Enclosures

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5

_____)
_____)
_____)
Habeeba Shariff, Chicago and/or Skokie)
Illinois and M. Anwar Shariff, Chicago,)
Illinois and/or Eden Prairie, Minnesota)
Respondents.)
_____)

Docket No. TSCA-05-2008-0007

Proceeding to Assess a Civil Penalty
Under Section 16(a) of the Toxic
Substances Control Act, 15 U.S.C.
§ 2615(a)

2008 MAR 20 PM 2:27

RECEIVED
REGIONAL HEARING CLERK
US EPA REGION 5

COMPLAINT

1. This is a civil administrative action issued under the authority vested in the Administrator of the United States Environmental Protection Agency (U.S. EPA) by Section 16(a) of the Toxic Substances Control Act (TSCA), 15 U.S.C. § 2615(a).

2. The Complainant is, by lawful delegation, the Director of the Land and Chemicals Division, U.S. EPA, Region 5.

3. Respondents are Habeeba Shariff of Chicago and/or Skokie, Illinois and M. Anwar Shariff of Chicago, Illinois and/or Eden Prairie, Minnesota.

Statutory and Regulatory Background

4. In promulgating Section 1018 of Title X, the Residential Lead-Based Paint Hazard Reduction Act of 1992, at 42 U.S.C. § 4851, Congress found, among other things, that low-level lead poisoning is widespread among American children, afflicting as many as 3,000,000 children under the age of 6; at low levels, lead poisoning in children causes intelligence deficiencies, reading and learning disabilities, impaired hearing, reduced attention span, hyperactivity, and behavior problems; and the ingestion of household dust containing lead from deteriorating or abraded lead-based paint is the most common cause of lead poisoning in children. Key components of the national strategy to reduce and eliminate the threat of childhood lead

poisoning are mandatory disclosure and notification requirements for residential rentals and sales. 42 U.S.C. § 4852d (Section 1018) requires the Administrator and the Secretary of the United States Department of Housing and Urban Development (HUD) to promulgate regulations for the disclosure of lead-based paint hazards in target housing which is offered for sale or lease.

5. On March 6, 1996, U.S. EPA and HUD promulgated regulations at 40 C.F.R. Part 745, Subpart F and 24 C.F.R. Part 35, Subpart A, respectively, "Disclosure of Known Lead-Based Paint and/or Lead-Based Paint Hazards Upon Sale or Lease of Residential Property" (Disclosure Rule), pursuant to 42 U.S.C. § 4852d.

6. The Disclosure Rule implements the provisions of 42 U.S.C. § 4852d, which impose certain requirements on the lease of target housing.

7. 40 C.F.R. § 745.103 defines "target housing" as any housing constructed prior to 1978, except housing for the elderly or persons with disabilities (unless any child who is less than 6 years of age resides or is expected to reside in such housing) or any 0-bedroom dwelling.

8. 40 C.F.R. § 745.103 defines "owner" as any entity that has legal title to target housing, including but not limited to individuals, partnerships, corporations, trusts, government agencies, housing agencies, Indian tribes and nonprofit organizations.

9. 40 C.F.R. § 745.103 defines "lessor" as any entity that offers target housing for lease, rent, or sublease, including but not limited to individuals, partnerships, corporations, trusts, government agencies, housing agencies, Indian tribes and nonprofit organizations.

10. 40 C.F.R. § 745.103 defines "lessee" as any entity that enters into an agreement to lease, rent, or sublease target housing, including but not limited to individuals, partnerships, corporations, trusts, government agencies, housing agencies, Indian Tribes and nonprofit organizations.

11. 40 C.F.R. § 745.103 defines “agent” as any party who enters into a contract with a seller or lessor, including any party who enters into a contract with a representative of the seller or lessor, for the purpose of selling or leasing target housing.

12. 40 C.F.R. § 745.100 requires, among other things, that a lessor of target housing complete the specified disclosure activities before a lessee is obligated under any contract to lease target housing.

13. 40 C.F.R. § 745.113(b) requires that each contract to lease target housing include as an attachment or within the contract a lead warning statement; a statement by the lessor disclosing the presence of any known lead-based paint and/or lead-based paint hazards or lack of knowledge of such presence; a list of any records or reports available to the lessor regarding lead-based paints and/or lead-based paint hazards in the target housing or a statement that no such records exist; a statement by the lessee affirming receipt of the information set out in 40 C.F.R. § 745.113(b)(2) and (3) and the Lead Hazard Information Pamphlet; and signatures and dates of signatures of the lessor and lessee certifying the accuracy of their statements.

14. Under 42 U.S.C. § 4852d(b)(5) and 40 C.F.R. § 745.118(e), failing to comply with the Disclosure Rule violates Section 409 of TSCA, 15 U.S.C. § 2689, which may subject the violator to administrative civil penalties under Section 16 of TSCA, 15 U.S.C. § 2615(a), 40 C.F.R. § 745.118(f), and 42 U.S.C. § 4852d(b)(5).

15. Section 1018(b)(5) of the Residential Lead-Based Paint Hazard Reduction Act of 1992, 42 U.S.C. § 4852d(b)(5), and 40 C.F.R. § 745.118(f), authorize the Administrator of U.S. EPA to assess a civil penalty under Section 16(a) of TSCA of up to \$10,000 for each violation of Section 409 of TSCA. U.S. EPA increased the maximum penalty to \$11,000 for each violation occurring after July 28, 1997. 40 C.F.R. § 745.118(f) and 40 C.F.R. Part 19.

General Allegations

16. Paragraphs 1 through 15, above, are realleged and incorporated here by reference.
17. Between at least August 15, 2004 and April 13, 2005, Respondent, Habeeba Shariff owned a residential rental property located at 3957 North Ashland, Chicago, Illinois (Residential Rental Property).
18. Between at least August 15, 2004 and April 13, 2005, Respondent, M. Anwar Shariff managed a residential rental property located at 3957 North Ashland, Chicago, Illinois (Residential Rental Property).
19. The Residential Rental Property was constructed prior to 1978.
20. The Residential Rental Property and each rental unit within the property is “target housing” as defined in 40 C.F.R. § 745.103.
21. On July 26, 2005, representatives of U.S. EPA and HUD conducted an inspection at M. Anwar Shariff’s business office located at 1529A Irving Park Road, Chicago, Illinois, to monitor compliance with Section 1018 and its implementing regulations found at 40 C.F.R. Part 745, Subpart F.
22. On April 23, 2004, the City of Chicago Department of Public Health issued a Mitigation Notice Letter for target housing located at 3957 N. Ashland, 202-A, Chicago, Illinois. The Mitigation Notice Letter advised Respondents to be aware that “Federal Regulations (24 C.F.R. part 35 and 40 C.F.R. part 745) require sellers, landlords, and managers of most residential housing built before 1978 to disclose information on lead-based paint and lead-based paint hazards to purchasers and tenants at the time of sale, lease, or lease renewal. To comply with these requirements, the owner must provide an EPA approved educational brochure, disclose any known information on lead-based paint or lead-based paint hazards, provide any

records related to lead-based paint or lead based paint hazards (including a copy of this inspection report), and provide a lead warning statement in the lease or contract.”

23. Respondent, Habeeba Shariff either directly or through Respondent’s authorized agent, M. Anwar Shariff entered into the following five written rental agreements (“Rental Contracts”) with individuals for the lease of units in the Residential Rental Property identified below:

Address	Unit	Date of Lease
3957 North Ashland	202A	02/21/2005
3957 North Ashland	202B	04/13/2005
3957 North Ashland	203	02/24/2005
3957 North Ashland	306	04/01/2005
3957 North Ashland	310	08/15/2004

24. Each of the five contracts referenced in paragraph 23, above, covered a term of occupancy greater than 100 days.

25. Between August 15, 2004 and April 13, 2005, Respondent, Habeeba Shariff, as the lessor of the Residential Rental Property offered for lease units in the Residential Rental Property, and individuals entered into contracts on the dates listed in paragraph 23, above, to lease those units.

26. Respondent, Habeeba Shariff is a “lessor,” as defined by 40 C.F.R. § 745.103, since he/she offered to lease the target housing referenced in paragraph 23, above.

27. Between August 15, 2004 and April 13, 2005, Respondent, M. Anwar Shariff, as the manager of the Residential Rental Property offered for lease units in the Residential Rental Property, and individuals entered into contracts on the dates listed in paragraph 23, above, to lease those units.

28. Respondent, M. Anwar Shariff is an “agent,” as defined by 40 C.F.R. § 745.103, since he entered into a contract with the lessor for the purpose of leasing target housing

referenced in paragraph 23, above.

29. Each individual who signed a lease to pay rent in exchange for occupancy of a unit at the Residential Rental Property referenced in paragraph 23, above, became a “lessee,” as defined in 40 C.F.R. § 745.103, since he or she entered into an agreement to lease target housing.

30. On November 27, 2007, U.S. EPA advised Respondents by letter that U.S. EPA was planning to file a civil administrative complaint against Respondents for specific alleged violations of Section 1018 and that the complaint would seek a civil penalty. U.S. EPA asked Respondents to identify any factors Respondents thought U.S. EPA should consider before issuing the complaint. If Respondents believed there were financial factors which bore on Respondents’ ability to pay a civil penalty, U.S. EPA asked Respondents to submit specific financial documents. The letter was resent to Respondent, Habeeba Shariff, on December 12, 2007 and January 14, 2008 at a different address. The letters to Habeeba Shariff were all returned to U.S. EPA.

31. On November 28, 2007, Respondent, M. Anwar Shariff received the pre-filing letter referenced in paragraph 30, above. Respondent, M. Anwar Shariff, has not claimed an inability to pay a penalty and did not provide facts or other information concerning an ability to pay a penalty.

32. The Director of the Land and Chemicals Division has determined that the Respondents have violated the Federal regulations regarding the disclosure of lead-based paint and/or lead-based paint hazards, 40 C.F.R. Part 745, and therefore violated Section 409 of TSCA, 15 U.S.C. § 2689.

Count 1

33. Paragraphs 1 through 32, above, are realleged and incorporated here by reference.

34. 40 C.F.R. § 745.100 requires, among other things, that the lessor complete the specified disclosure activities before a lessee is obligated under any contract to lease target housing. 40 C.F.R. § 745.113(b)(1) requires the lessor to include, either within each contract or as an attachment to each contract to lease target housing, a Lead Warning Statement with the following language:

Housing built before 1978 may contain lead-based paint. Lead from paint, paint chips, and dust can pose health hazards if not managed properly. Lead exposure is especially harmful to young children and pregnant women. Before renting pre-1978 housing, lessors must disclose the presence of lead-based paint and/or lead-based paint hazards in the dwelling. Lessees must also receive a federally approved pamphlet on lead poisoning prevention.

35. 40 C.F.R. 745.115(a) requires the agent to ensure compliance with all requirements by informing the lessor of his obligations and by ensuring that the lessor perform all activities required under 40 C.F.R. Part §§ 745.107 and 745.113 or personally ensure compliance with the requirements.

36. Count 1: Respondent Habeeba Shariff, as lessor, failed to include, either within the contract or as an attachment to the contract, a Lead Warning Statement before the lessee at 3957 North Ashland, 310, Chicago, Illinois, was obligated under the August 15, 2004 contract referenced in paragraph 23, above.

37. Count 1: Respondent M. Anwar Shariff, as agent, failed to ensure that the lessor include or to personally include, either within the contract or as an attachment to the contract, a Lead Warning Statement before the lessee at 3957 North Ashland, 310, Chicago, Illinois, was obligated under the August 15, 2004 contract referenced in paragraph 23, above.

38. Respondent Habeeba Shariff's failure as lessor to include, either within the contract or as an attachment to the contract, a Lead Warning Statement, before the lessee was obligated under the contract for the leasing transaction referenced in paragraph 36, above, constitutes a

violation of 40 C.F.R. § 745.113(b)(1), 40 C.F.R. § 745.100, 42 U.S.C. § 4852d(b)(5), and Section 409 of TSCA, 15 U.S.C. § 2689.

39. Respondent M. Anwar Shariff's failure as agent to ensure that the lessor include or to personally include, either within the contract or as an attachment to the contract, a Lead Warning Statement, before the lessee was obligated under the contract for the leasing transaction referenced in paragraph 37, above, constitutes a violation of 40 C.F.R. § 745.113(b)(1), 40 C.F.R. § 745.100, 42 U.S.C. § 4852d(b)(5), and Section 409 of TSCA, 15 U.S.C. § 2689.

Counts 2 through 6

40. Paragraphs 1 through 32, above, are realleged and incorporated here by reference.

41. 40 C.F.R. § 745.100 requires, among other things, that the lessor complete the specified disclosure activities before a lessee is obligated under any contract to lease target housing. 40 C.F.R. § 745.113(b)(2) requires a lessor to include, either within each contract or as an attachment to each contract to lease target housing, a statement disclosing the presence of any known lead-based paint and/or lead-based paint hazards in the target housing or a lack of knowledge of such presence before a lessee is obligated under the contract to lease target housing.

42. 40 C.F.R. 745.115(a) requires the agent to ensure compliance with all requirements by informing the lessor of his obligations and by ensuring that the lessor perform all activities required under 40 C.F.R. Part §§ 745.107 and 745.113 or personally ensure compliance with the requirements.

43. Count 2: Respondent Habeeba Shariff, as lessor, failed to include either within the contract or as an attachment to the contract, a statement disclosing either the presence of any known lead-based paint and/or lead-based paint hazards in the target housing, or a lack of

knowledge of such presence, before the lessee at 3957 North Ashland, 202A, Chicago, Illinois, was obligated under the February 21, 2005 contract referenced in paragraph 23, above.

44. Count 2: Respondent M. Anwar Shariff, as agent, failed to ensure that the lessor include or to personally include, either within the contract or as an attachment to the contract, a statement disclosing either the presence of any known lead-based paint and/or lead-based paint hazards in the target housing, or a lack of knowledge of such presence, before the lessee at 3957 North Ashland, 202A, Chicago, Illinois, was obligated under the February 21, 2005 contract referenced in paragraph 23, above.

45. Count 3: Respondent Habeeba Shariff, as lessor, failed to include, either within the contract or as an attachment to the contract, a statement disclosing either the presence of any known lead-based paint and/or lead-based paint hazards in the target housing, or a lack of knowledge of such presence, before the lessee at 3957 North Ashland, 202B, Chicago, Illinois, was obligated under the April 13, 2005 contract referenced in paragraph 23, above.

46. Count 3: Respondent M. Anwar Shariff, as agent, failed to ensure that the lessor include or to personally include, either within the contract or as an attachment to the contract, a statement disclosing either the presence of any known lead-based paint and/or lead-based paint hazards in the target housing, or a lack of knowledge of such presence, before the lessee at 3957 North Ashland, 202B, Chicago, Illinois, was obligated under the April 13, 2005 contract referenced in paragraph 23, above.

47. Count 4: Respondent Habeeba Shariff, as lessor, failed to include, either within the contract or as an attachment to the contract, a statement disclosing either the presence of any known lead-based paint and/or lead-based paint hazards in the target housing, or a lack of knowledge of such presence, before the lessee at 3957 North Ashland, 203, Chicago, Illinois,

was obligated under the February 24, 2005 contract referenced in paragraph 23, above.

48. Count 4: Respondent M. Anwar Shariff, as agent, failed to ensure that the lessor include or to personally include, either within the contract or as an attachment to the contract, a statement disclosing either the presence of any known lead-based paint and/or lead-based paint hazards in the target housing, or a lack of knowledge of such presence, before the lessee at 3957 North Ashland, 203, Chicago, Illinois, was obligated under the February 24, 2005 contract referenced in paragraph 23, above.

49. Count 5: Respondent Habeeba Shariff, as lessor, failed to include, either within the contract or as an attachment to the contract, a statement disclosing either the presence of any known lead-based paint and/or lead-based paint hazards in the target housing, or a lack of knowledge of such presence, before the lessee at 3957 North Ashland, 306, Chicago, Illinois, was obligated under the April 1, 2005 contract referenced in paragraph 23, above.

50. Count 5: Respondent M. Anwar Shariff, as agent, failed to ensure that the lessor include or to personally include, either within the contract or as an attachment to the contract, a statement disclosing either the presence of any known lead-based paint and/or lead-based paint hazards in the target housing, or a lack of knowledge of such presence, before the lessee at 3957 North Ashland, 306, Chicago, Illinois, was obligated under the April 1, 2005 contract referenced in paragraph 23, above.

51. Count 6: Respondent Habeeba Shariff, as lessor, failed to include, either within the contract or as an attachment to the contract, a statement disclosing either the presence of any known lead-based paint and/or lead-based paint hazards in the target housing, or a lack of knowledge of such presence, before the lessee at 3957 North Ashland, 310, Chicago, Illinois, was obligated under the August 15, 2004 contract referenced in paragraph 23, above.

52. Count 6: Respondent M. Anwar Shariff, as agent, failed to ensure that the lessor include or to personally include, either within the contract or as an attachment to the contract, a statement disclosing either the presence of any known lead-based paint and/or lead-based paint hazards in the target housing, or a lack of knowledge of such presence, before the lessee at 3957 North Ashland, 310, Chicago, Illinois, was obligated under the August 15, 2004 contract referenced in paragraph 23, above.

53. Respondent Habeeba Shariff's failure as lessor to include, either within each contract or as an attachment to each contract, a statement disclosing either the presence of any known lead-based paint and/or lead-based paint hazards in the target housing, or a lack of knowledge of such presence, before the lessees were obligated under the contract for each of the leasing transactions referenced in paragraphs 43, 45, 47, 49, and 51, above, constitutes five violations of 40 C.F.R. § 745.113(b)(2), 40 C.F.R. § 745.100, 42 U.S.C. § 4852d(b)(5), and Section 409 of TSCA, 15 U.S.C. § 2689.

54. Respondent M. Anwar Shariff's failure as agent to ensure that the lessor include or to personally include, either within each contract or as an attachment to each contract, a statement disclosing either the presence of any known lead-based paint and/or lead-based paint hazards in the target housing, or a lack of knowledge of such presence, before the lessees were obligated under the contract for each of the leasing transactions referenced in paragraphs 44, 46, 48, 50 and 52, above, constitutes five violations of 40 C.F.R. § 745.113(b)(2), 40 C.F.R. § 745.100, 42 U.S.C. § 4852d(b)(5), and Section 409 of TSCA, 15 U.S.C. § 2689.

Counts 7 through 11

55. Paragraphs 1 through 32, above, are realleged and incorporated here by reference.

56. 40 C.F.R. § 745.100 requires, among other things, that the lessor complete the

specified disclosure activities before a lessee is obligated under any contract to lease target housing. 40 C.F.R. Part § 745.113(b)(3) requires a lessor to include, either within each contract or as an attachment to each contract to lease target housing, a list of any records or reports available to the lessor regarding lead-based paint and/or lead-based paint hazards in the target housing, or a statement that no such records exist.

57. 40 C.F.R. 745.115(a) requires the agent to ensure compliance with all requirements by informing the lessor of his obligations and by ensuring that the lessor perform all activities required under 40 C.F.R. Part §§ 745.107 and 745.113 or personally ensure compliance with the requirements.

58. Count 7: Respondent Habeeba Shariff, as lessor, failed to include, either within the contract or as an attachment to the contract, a list of any records or reports available to the lessor regarding lead-based paint and/or lead-based paint hazards in the target housing, or a statement that no such records existed, before the lessee at 3957 North Ashland, 202A, Chicago, Illinois, was obligated under the February 21, 2005 contract referenced in paragraph 23, above.

59. Count 7: Respondent M. Anwar Shariff, as agent, failed to ensure that the lessor include or to personally include, either within the contract or as an attachment to the contract, a list of any records or reports available to the lessor regarding lead-based paint and/or lead-based paint hazards in the target housing, or a statement that no such records existed, before the lessee at 3957 North Ashland, 202A, Chicago, Illinois, was obligated under the February 21, 2005 contract referenced in paragraph 23, above.

60. Count 8: Respondent Habeeba Shariff, as lessor, failed to include, either within the contract or as an attachment to the contract, a list of any records or reports available to the lessor regarding lead-based paint and/or lead-based paint hazards in the target housing, or a statement

that no such records existed, before the lessee at 3957 North Ashland, 202B, Chicago, Illinois, was obligated under the April 13, 2005 contract referenced in paragraph 23, above.

61. Count 8: Respondent M. Anwar Shariff, as agent, failed to ensure that the lessor include or to personally include, either within the contract or as an attachment to the contract, a list of any records or reports available to the lessor regarding lead-based paint and/or lead-based paint hazards in the target housing, or a statement that no such records existed, before the lessee at 3957 North Ashland, 202B, Chicago, Illinois, was obligated under the April 13, 2005 contract referenced in paragraph 23, above.

62. Count 9: Respondent Habeeba Shariff, as lessor, failed to include, either within the contract or as an attachment to the contract, a list of any records or reports available to the lessor regarding lead-based paint and/or lead-based paint hazards in the target housing, or a statement that no such records existed, before the lessee at 3957 North Ashland, 203, Chicago, Illinois, was obligated under the February 24, 2005 contract referenced in paragraph 23, above.

63. Count 9: Respondent M. Anwar Shariff, as agent, failed to ensure that the lessor include or to personally include, either within the contract or as an attachment to the contract, a list of any records or reports available to the lessor regarding lead-based paint and/or lead-based paint hazards in the target housing, or a statement that no such records existed, before the lessee at 3957 North Ashland, 203, Chicago, Illinois, was obligated under the February 24, 2005 contract referenced in paragraph 23, above.

64. Count 10: Respondent Habeeba Shariff, as lessor, failed to include, either within the contract or as an attachment to the contract, a list of any records or reports available to the lessor regarding lead-based paint and/or lead-based paint hazards in the target housing, or a statement that no such records existed, before the lessee at 3957 North Ashland, 306, Chicago, Illinois, was

obligated under the April 1, 2005 contract referenced in paragraph 23, above.

65. Count 10: Respondent M. Anwar Shariff, as agent, failed to ensure that the lessor include or to personally include, either within the contract or as an attachment to the contract, a list of any records or reports available to the lessor regarding lead-based paint and/or lead-based paint hazards in the target housing, or a statement that no such records existed, before the lessee at 3957 North Ashland, 306, Chicago, Illinois, was obligated under the April 1, 2005 contract referenced in paragraph 23, above.

66. Count 11: Respondent Habeeba Shariff, as lessor, failed to include, either within the contract or as an attachment to the contract, a list of any records or reports available to the lessor regarding lead-based paint and/or lead-based paint hazards in the target housing, or a statement that no such records existed, before the lessee at 3957 North Ashland, 310, Chicago, Illinois, was obligated under the August 15, 2004 contract referenced in paragraph 23, above.

67. Count 11: Respondent M. Anwar Shariff, as agent, failed to ensure that the lessor include or to personally include, either within the contract or as an attachment to the contract, a list of any records or reports available to the lessor regarding lead-based paint and/or lead-based paint hazards in the target housing, or a statement that no such records existed, before the lessee at 3957 North Ashland, 310, Chicago, Illinois, was obligated under the August 15, 2004 contract referenced in paragraph 23, above.

68. Respondent Habeeba Shariff's failure as lessor to include, either within each contract or as an attachment to each contract to lease target housing, a list of any records or reports available to the lessor regarding lead-based paint and/or lead-based paint hazards in the target housing, or a statement that no such records existed, before the lessees were obligated under the contract for each of the leasing transactions referenced in paragraphs 58, 60, 62, 64, and 66,

above, constitutes five violations of 40 C.F.R. § 745.113(b)(3), 40 C.F.R. § 745.100, 42 U.S.C. § 4852d(b)(5), and Section 409 of TSCA, 15 U.S.C. § 2689.

69. Respondent M. Anwar Shariff's failure as agent to ensure that the lessor include or to personally include, either within each contract or as an attachment to each contract to lease target housing, a list of any records or reports available to the lessor regarding lead-based paint and/or lead-based paint hazards in the target housing, or a statement that no such records existed, before the lessees were obligated under the contract for each of the leasing transactions referenced in paragraphs 59, 61, 63, 65, and 67, above, constitutes five violations of 40 C.F.R. § 745.113(b)(3), 40 C.F.R. § 745.100, 42 U.S.C. § 4852d(b)(5), and Section 409 of TSCA, 15 U.S.C. § 2689.

Counts 12 through 16

70. Paragraphs 1 through 32, above, are realleged and incorporated here by reference.

71. 40 C.F.R. § 745.100 requires, among other things, that the lessor complete the specified disclosure activities before a lessee is obligated under any contract to lease target housing. 40 C.F.R. § 745.113(b)(4) requires the lessor to include, either within each contract or as an attachment to each contract, a statement by the lessee affirming receipt of the information set out in 40 C.F.R. § 745.113(b)(2) and (b)(3), and the lead hazard information pamphlet required under 15 U.S.C. § 2696.

72. 40 C.F.R. 745.115(a) requires the agent to ensure compliance with all requirements by informing the lessor of his obligations and by ensuring that the lessor perform all activities required under 40 C.F.R. Part §§ 745.107 and 745.113 or personally ensure compliance with the requirements.

73. Count 12: Respondent Habeeba Shariff, as lessor, failed to include, either within the

contract or as an attachment to the contract, a statement by the lessee affirming receipt of the information set out in 40 C.F.R. § 745.113(b)(2) and (b)(3), and the lead hazard information pamphlet before the lessee at 3957 North Ashland, 202A, Chicago, Illinois, was obligated under the February 21, 2005 contract referenced in paragraph 23, above.

74. Count 12: Respondent M. Anwar Shariff, as agent, failed to ensure that the lessor include or to personally include, either within the contract or as an attachment to the contract, a statement by the lessee affirming receipt of the information set out in 40 C.F.R. § 745.113(b)(2) and (b)(3), and the lead hazard information pamphlet before the lessee at 3957 North Ashland, 202A, Chicago, Illinois, was obligated under the February 21, 2005 contract referenced in paragraph 23, above.

75. Count 13: Respondent Habeeba Shariff, as lessor, failed to include, either within the contract or as an attachment to the contract, a statement by the lessee affirming receipt of the information set out in 40 C.F.R. § 745.113(b)(2) and (b)(3), and the lead hazard information pamphlet before the lessee at 3957 North Ashland, 202B, Chicago, Illinois, was obligated under the April 13, 2005 contract referenced in paragraph 23, above.

76. Count 13: Respondent M. Anwar Shariff, as agent, failed to ensure that the lessor include or to personally include, either within the contract or as an attachment to the contract, a statement by the lessee affirming receipt of the information set out in 40 C.F.R. § 745.113(b)(2) and (b)(3), and the lead hazard information pamphlet before the lessee at 3957 North Ashland, 202B, Chicago, Illinois, was obligated under the April 13, 2005 contract referenced in paragraph 23, above.

77. Count 14: Respondent Habeeba Shariff, as lessor, failed to include, either within the contract or as an attachment to the contract, a statement by the lessee affirming receipt of the

information set out in 40 C.F.R. § 745.113(b)(2) and (b)(3), and the lead hazard information pamphlet before the lessee at 3957 North Ashland, 203, Chicago, Illinois, was obligated under the February 24, 2005 contract referenced in paragraph 23, above.

78. Count 14: Respondent M. Anwar Shariff, as agent, failed to ensure that the lessor include or to personally include, either within the contract or as an attachment to the contract, a statement by the lessee affirming receipt of the information set out in 40 C.F.R. § 745.113(b)(2) and (b)(3), and the lead hazard information pamphlet before the lessee at 3957 North Ashland, 203, Chicago, Illinois, was obligated under the February 24, 2005 contract referenced in paragraph 23, above.

79. Count 15: Respondent Habeeba Shariff, as lessor, failed to include, either within the contract or as an attachment to the contract, a statement by the lessee affirming receipt of the information set out in 40 C.F.R. § 745.113(b)(2) and (b)(3), and the lead hazard information pamphlet before the lessee at 3957 North Ashland, 306, Chicago, Illinois, was obligated under the April 1, 2005 contract referenced in paragraph 23, above.

80. Count 15: Respondent M. Anwar Shariff, as agent, failed to ensure that the lessor include or to personally include, either within the contract or as an attachment to the contract, a statement by the lessee affirming receipt of the information set out in 40 C.F.R. § 745.113(b)(2) and (b)(3), and the lead hazard information pamphlet before the lessee at 3957 North Ashland, 306, Chicago, Illinois, was obligated under the April 1, 2005 contract referenced in paragraph 23, above.

81. Count 16: Respondent Habeeba Shariff, as lessor, failed to include, either within the contract or as an attachment to the contract, a statement by the lessee affirming receipt of the information set out in 40 C.F.R. § 745.113(b)(2) and (b)(3), and the lead hazard information

pamphlet before the lessee at 3957 North Ashland, 310, Chicago, Illinois, was obligated under the August 15, 2004 contract referenced in paragraph 23, above.

82. Count 16: Respondent M. Anwar Shariff, as agent, failed to ensure that the lessor include or to personally include, either within the contract or as an attachment to the contract, a statement by the lessee affirming receipt of the information set out in 40 C.F.R. § 745.113(b)(2) and (b)(3), and the lead hazard information pamphlet before the lessee at 3957 North Ashland, 310, Chicago, Illinois, was obligated under the August 15, 2004 contract referenced in paragraph 23, above.

83. Respondent Habeeba Shariff's failure as lessor to include, either within each contract or as an attachment to each contract, a statement by the lessee affirming receipt of the information set out in 40 C.F.R. § 745.113(b)(2) and (b)(3), and the lead hazard information pamphlet required under 15 U.S.C. § 2696 before the lessees were obligated under the contract for each of the leasing transactions referenced in paragraphs 73, 75, 77, 79, and 81, above, constitutes five violations of 40 C.F.R. § 745.113(b)(4), 40 C.F.R. § 745.100, 42 U.S.C. § 4852d(b)(5), and Section 409 of TSCA, 15 U.S.C. § 2689.

84. Respondent M. Anwar Shariff's failure as agent to ensure that the lessor include or to personally include, either within each contract or as an attachment to each contract, a statement by the lessee affirming receipt of the information set out in 40 C.F.R. § 745.113(b)(2) and (b)(3), and the lead hazard information pamphlet required under 15 U.S.C. § 2696 before the lessees were obligated under the contract for each of the leasing transactions referenced in paragraphs 74, 76, 78, 80, and 82, above, constitutes five violations of 40 C.F.R. § 745.113(b)(4), 40 C.F.R. § 745.100, 42 U.S.C. § 4852d(b)(5), and Section 409 of TSCA, 15 U.S.C. § 2689.

Counts 17 through 21

85. Paragraphs 1 through 32, above, are realleged and incorporated here by reference.

86. 40 C.F.R. § 745.100 requires, among other things, that the lessor complete the specified disclosure activities before a lessee is obligated under any contract to lease target housing. 40 C.F.R. § 745.113(b)(6) requires the lessor to include, either within each contract or as an attachment to each contract, the signatures of the lessor and the lessee certifying to the accuracy of their statements to the best of their knowledge along with the dates of signature.

87. 40 C.F.R. 745.115(a) requires the agent to ensure compliance with all requirements by informing the lessor of his obligations and by ensuring that the lessor perform all activities required under 40 C.F.R. Part §§ 745.107 and 745.113 or personally ensure compliance with the requirements.

88. Count 17: Respondent Habeeba Shariff, as lessor, did not include, either within the contract or as an attachment to the contract, the signatures of the lessor and the lessee certifying to the accuracy of their statements to the best of their knowledge, along with the dates of such signature before the lessee at 3957 North Ashland, 202A, Chicago, Illinois, was obligated under the February 21, 2005 contract referenced in paragraph 23, above.

89. Count 17: Respondent M. Anwar Shariff, as agent, failed to ensure that the lessor include or to personally include, either within the contract or as an attachment to the contract, the signatures of the lessor and the lessee certifying to the accuracy of their statements to the best of their knowledge, along with the dates of such signature before the lessee at 3957 North Ashland, 202A, Chicago, Illinois, was obligated under the February 21, 2005 contract referenced in paragraph 23, above.

90. Count 18: Respondent Habeeba Shariff, as lessor, did not include, either within the

contract or as an attachment to the contract, the signatures of the lessor and the lessee certifying to the accuracy of their statements to the best of their knowledge, along with the dates of such signature before the lessee at 3957 North Ashland, 202B, Chicago, Illinois, was obligated under the April 13, 2005 contract referenced in paragraph 23, above.

91. Count 18: Respondent M. Anwar Shariff, as agent, failed to ensure that the lessor include or to personally include, either within the contract or as an attachment to the contract, the signatures of the lessor and the lessee certifying to the accuracy of their statements to the best of their knowledge, along with the dates of such signature before the lessee at 3957 North Ashland, 202B, Chicago, Illinois, was obligated under the April 13, 2005 contract referenced in paragraph 23, above.

92. Count 19: Respondent Habeeba Shariff, as lessor, did not include, either within the contract or as an attachment to the contract, the signatures of the lessor and the lessee certifying to the accuracy of their statements to the best of their knowledge, along with the dates of such signature before the lessee at 3957 North Ashland, 203, Chicago, Illinois, was obligated under the February 24, 2005 contract referenced in paragraph 23, above.

93. Count 19: Respondent M. Anwar Shariff, as agent, failed to ensure that the lessor include or to personally include, either within the contract or as an attachment to the contract, the signatures of the lessor and the lessee certifying to the accuracy of their statements to the best of their knowledge, along with the dates of such signature before the lessee at 3957 North Ashland, 203, Chicago, Illinois, was obligated under the February 24, 2005 contract referenced in paragraph 23, above.

94. Count 20: Respondent Habeeba Shariff, as lessor, did not include, either within the contract or as an attachment to the contract, the signatures of the lessor and the lessee certifying

to the accuracy of their statements to the best of their knowledge, along with the dates of such signature before the lessee at 3957 North Ashland, 306, Chicago, Illinois, was obligated under the April 1, 2005 contract referenced in paragraph 23, above.

95. Count 20: Respondent M. Anwar Shariff, as agent, failed to ensure that the lessor include or to personally include, either within the contract or as an attachment to the contract, the signatures of the lessor and the lessee certifying to the accuracy of their statements to the best of their knowledge, along with the dates of such signature before the lessee at 3957 North Ashland, 306, Chicago, Illinois, was obligated under the April 1, 2005 contract referenced in paragraph 23, above.

96. Count 21: Respondent Habeeba Shariff, as lessor, did not include, either within the contract or as an attachment to the contract, the signatures of the lessor and the lessee certifying to the accuracy of their statements to the best of their knowledge, along with the dates of such signature before the lessee at 3957 North Ashland, 310, Chicago, Illinois, was obligated under the August 15, 2004 contract referenced in paragraph 23, above.

97. Count 21: Respondent M. Anwar Shariff, as agent, failed to ensure that the lessor include or to personally include, either within the contract or as an attachment to the contract, the signatures of the lessor and the lessee certifying to the accuracy of their statements to the best of their knowledge, along with the dates of such signature before the lessee at 3957 North Ashland, 310, Chicago, Illinois, was obligated under the August 15, 2004 contract referenced in paragraph 23, above.

98. Respondent Habeeba Shariff's failure as lessor to include, either within each contract or as an attachment to each contract, the signatures of the lessor and the lessee certifying to the accuracy of their statements to the best of their knowledge or the dates of such signature before

the lessees were obligated under the contract for each of the leasing transactions referenced in paragraphs 88, 90, 92, 94, and 96, above, constitutes five violations of 40 C.F.R.

§ 745.113(b)(6), 40 C.F.R. § 745.100, 42 U.S.C. § 4852d(b)(5), and Section 409 of TSCA, 15 U.S.C. § 2689.

99. Respondent M. Anwar Shariff's failure as agent to ensure that the lessor include or to personally include, either within each contract or as an attachment to each contract, the signatures of the lessor and the lessee certifying to the accuracy of their statements to the best of their knowledge or the dates of such signature before the lessees were obligated under the contract for each of the leasing transactions referenced in paragraphs 89, 91, 93, 95 and 97, above, constitutes five violations of 40 C.F.R. § 745.113(b)(6), 40 C.F.R. § 745.100, 42 U.S.C. § 4852d(b)(5), and Section 409 of TSCA, 15 U.S.C. § 2689.

Proposed Civil Penalty

Section 1018 of the Residential Lead-Based Paint Hazard Reduction Act of 1992, 42 U.S.C. § 4852d(b)(5), and 40 C.F.R. Part 745, Subpart F, authorize the Administrator of U.S. EPA to assess a civil penalty under Section 16 of TSCA of up to \$10,000 for each violation of TSCA Section 409. Under the Debt Collection Improvement Act of 1996, 31 U.S.C. § 3701 note, U.S. EPA increased the maximum penalty to \$11,000 for each violation occurring after July 28, 1997 (62 Fed. Reg. 35038)(1997). In determining the amount of any civil penalty, Section 16 of TSCA requires U.S. EPA to take into account the nature, circumstances, extent and gravity of the violation or violations alleged and, with respect to the violator, ability to pay, effect on ability to continue to do business, any history of prior such violations, the degree of culpability, and such other factors as justice may require.

The U.S. EPA calculates penalties by applying its Section 1018-Disclosure Rule

Enforcement Response Policy dated February 2000 (Response Policy). This Response Policy provides a rational, consistent and equitable calculation methodology for applying the statutory factors to particular cases. As discussed in the Response Policy, the severity of each violation alleged in the complaint is based on the extent to which each violation impairs the ability of a lessee to assess information regarding hazards associated with lead-based paint, and precludes the lessee from making a fully informed decision whether or not to lease the housing or take appropriate measures to protect against lead-based paint hazards. The most severe consequence of failing to disclose this information is a greater likelihood that a child will be exposed to lead-based paint hazards, and eventually be poisoned by lead.

Factors relevant to assessing an appropriate penalty include evidence demonstrating the presence of young children or pregnant women in these units at the time of the violation, information pertaining to a Respondent's ability to pay a civil administrative penalty, any evidence showing that no lead-based paint exists in the cited housing, and any evidence that Respondent has taken steps to discover the presence of and/or has taken steps to abate lead-based paint and its hazards in subject housing.

As stated in paragraph 30, above, letters, dated November 27, 2007, were sent to each Respondent. In the letters, the U.S. EPA advised Respondents that U.S. EPA was planning to file a civil administrative complaint against Respondents for alleged violations of Section 1018 and that Section 1018 authorizes the assessment of a civil penalty. The U.S. EPA asked Respondents to identify any factors Respondents thought U.S. EPA should consider before issuing the complaint, and if Respondents believed there were financial factors which bore on Respondents' ability to pay a civil penalty, the U.S. EPA asked Respondents to submit specific financial documents. The letter was resent to Respondent, Habeeba Shariff, on December 12,

2007 and January 14, 2008 at a different address. The letters to Habeeba Shariff were all returned to U.S. EPA.

Based upon an evaluation of the facts alleged in this complaint, the statutory factors enumerated above, and the Response Policy, Complainant proposes the Administrator assess the following civil penalties against Respondents for the violations alleged in this complaint:

COUNT 1

42 U.S.C. § 4852d
40 C.F.R. § 745.113(b)(1).....\$1,547

COUNT 2

42 U.S.C. § 4852d
40 C.F.R. § 745.113(b)(2).....\$774

COUNT 3

42 U.S.C. § 4852d
40 C.F.R. § 745.113(b)(2).....\$774

COUNT 4

42 U.S.C. § 4852d
40 C.F.R. § 745.113(b)(2).....\$774

COUNT 5

42 U.S.C. § 4852d
40 C.F.R. § 745.113(b)(2).....\$5,158

COUNT 6

42 U.S.C. § 4852d
40 C.F.R. § 745.113(b)(2).....\$774

COUNT 7

42 U.S.C. § 4852d
40 C.F.R. § 745.113(b)(3).....\$258

COUNT 8

42 U.S.C. § 4852d
40 C.F.R. § 745.113(b)(3).....\$258

COUNT 9

42 U.S.C. § 4852d
40 C.F.R. § 745.113(b)(3).....\$258

COUNT 10

42 U.S.C. § 4852d
40 C.F.R. § 745.113(b)(3).....\$1,676

COUNT 11

42 U.S.C. § 4852d
40 C.F.R. § 745.113(b)(3).....\$258

COUNT 12

42 U.S.C. § 4852d
40 C.F.R. § 745.113(b)(4).....\$516

COUNT 13

42 U.S.C. § 4852d
40 C.F.R. § 745.113(b)(4).....\$516

COUNT 14

42 U.S.C. § 4852d
40 C.F.R. § 745.113(b)(4).....\$516

COUNT 15

42 U.S.C. § 4852d
40 C.F.R. § 745.113(b)(4).....\$3,224

COUNT 16

42 U.S.C. § 4852d
40 C.F.R. § 745.113(b)(4).....\$516

COUNT 17

42 U.S.C. § 4852d
40 C.F.R. § 745.113(b)(6).....\$129

COUNT 18

42 U.S.C. § 4852d
40 C.F.R. § 745.113(b)(6).....\$129

COUNT 19

42 U.S.C. § 4852d
40 C.F.R. § 745.113(b)(6).....\$129

COUNT 20

42 U.S.C. § 4852d
40 C.F.R. § 745.113(b)(6).....\$645

COUNT 21

42 U.S.C. § 4852d
40 C.F.R. § 745.113(b)(6).....\$129

Proposed Gravity-Based Civil Penalty..... \$18,958

Rules Governing this Proceeding

The “Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties, Issuance of Compliance or Corrective Action Orders, and the Revocation, Termination or Suspension of Permits” (Consolidated Rules), at 40 C.F.R. Part 22, govern this civil administrative penalty proceeding. Enclosed with this complaint is a copy of the Consolidated Rules.

Filing and Service of Documents

Respondents must file with the Regional Hearing Clerk the original and one copy of each document Respondents intend to include as part of the record in this proceeding. The Regional Hearing Clerk’s address is:

Regional Hearing Clerk (E-13J)
U.S. EPA, Region 5
77 West Jackson Boulevard
Chicago, Illinois 60604

Respondents must serve a copy of each document filed in this proceeding on each party pursuant to Section 22.5 of the Consolidated Rules. Complainant has authorized Michael Berman to receive any answer and subsequent legal documents that Respondents serve in this proceeding. You may telephone Mr. Berman at (312) 886-6837. His address is:

Michael Berman
Associate Regional Counsel (C-14J)
U.S. EPA, Region 5
77 West Jackson Boulevard
Chicago, Illinois 60604

Penalty Payment

Respondents may resolve this proceeding at any time by paying the proposed penalty by certified or cashier's check payable to "*Treasurer, the United States of America*" and by delivering the check to:

U.S. Environmental Protection Agency
Fines and Penalties
Cincinnati Finance Center
P.O. Box 979076
St. Louis, MO 63797-9000

Respondents must include the case name and docket number on the check and in the letter transmitting the check. Respondents simultaneously must send copies of the check and transmittal letter to the Regional Hearing Clerk, Mr. Berman, and to:

Estrella Calvo, PTCS (LC-8J)
U.S. EPA, Region 5
77 W. Jackson Boulevard
Chicago, Illinois 60604

Opportunity to Request a Hearing

The Administrator must provide an opportunity to request a hearing to any person against whom the Administrator proposes to assess a penalty under Section 16(a) of TSCA, 15 U.S.C. § 2615(a). Respondents have the right to request a hearing on any material fact alleged in the complaint, or on the appropriateness of the proposed penalty, or both. To request a hearing, Respondents must specifically make the request in their answer, as described below.

Answer

Respondents must file a written answer to this complaint if Respondents contest any material fact of the complaint; contend that the proposed penalty is inappropriate; or contend that Respondents are entitled to judgment as a matter of law. To file an answer, Respondents must file the original written answer and one copy with the Regional Hearing Clerk at the address

specified above, and must serve copies of the written answer with Mr. Berman at the address specified above. If Respondents choose to file a written answer to the complaint, Respondents must do so within 30 calendar days after receiving the complaint. In counting the 30-day time period, the date of receipt is not counted, but Saturdays, Sundays, and Federal legal holidays are counted. If the 30-day time period expires on a Saturday, Sunday, or Federal legal holiday the time period extends to the next business day.

Respondents' written answer must clearly and directly admit, deny, or explain each of the factual allegations in the complaint or must state clearly that Respondents have no knowledge of a particular factual allegation. Where Respondents state that they have no knowledge of a particular factual allegation, the allegation is deemed denied. Respondents' failure to admit, deny, or explain any material factual allegation in the complaint constitutes an admission of the allegation. Respondents' answer must also state:

- a. the circumstances or arguments which Respondents allege constitute grounds of defense;
- b. the facts that the Respondents dispute;
- c. the basis for opposing the proposed penalty; and
- d. whether Respondents request a hearing.

If a Respondent does not file a written answer within 30 calendar days after receiving this complaint the Presiding Officer may issue a default order, after motion, under Section 22.17 of the Consolidated Rules. Default by a Respondent constitutes an admission of all factual allegations in the complaint and a waiver of the right to contest the factual allegations. A Respondent must pay any penalty assessed in a default order without further proceedings 30-days after the order becomes the final order of the Administrator of U.S. EPA under Section

22.27(c) of the Consolidated Rules.

Settlement Conference

Whether or not Respondents request a hearing, Respondents may request an informal settlement conference to discuss the facts of this proceeding and to arrive at a settlement. To request an informal settlement conference, Respondents may contact Estrella Calvo, at the address above or you may telephone her at (312) 353-8931.

Respondents request for an informal settlement conference does not extend the 30 calendar day period for filing a written answer to this complaint. Respondents may pursue simultaneously the informal settlement conference and the adjudicatory hearing process. The U.S. EPA encourages all parties facing civil penalties to pursue settlement through an informal conference. The U.S. EPA, however, will not reduce the penalty simply because the parties hold an informal settlement conference.

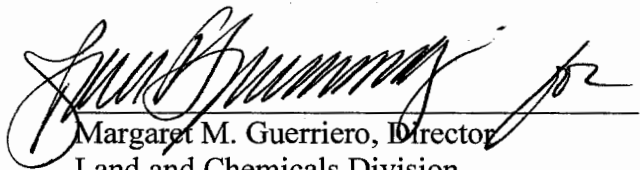
Continuing Obligation to Comply

Neither the assessment nor payment of a civil penalty will affect Respondents' continuing obligation to comply with the Act and any other applicable federal, state, or local law.

Consent Agreement and Final Order

The U.S. EPA has authority, where appropriate, to modify the amount of the proposed penalty to reflect any settlement reached with you in an informal conference. The terms of the settlement would be embodied in a Consent Agreement and Final Order. A Consent Agreement signed by both parties is binding when the Regional Administrator signs the Consent Order.

3/19/08
Date


Margaret M. Guerriero, Director
Land and Chemicals Division

CERTIFICATE OF SERVICE

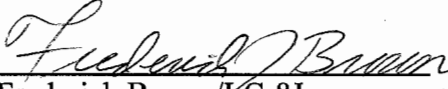
This is to certify that the original and one copy of this Complaint involving **Habeeba Shariff and M. Anwar Shariff**, Chicago, Illinois, was filed on March 20, 2008, with the Regional Hearing Clerk (E-13J) U.S. EPA, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, and that a true and correct copy was sent by Certified Mail, along with a copy each of the "Consolidated Rules of Practice, 40 C.F.R. Part 22," and "Section 1018 Disclosure Rule Enforcement Response Policy" to:

Habeeba Shariff
3957 North Ashland
Chicago, Illinois 60613
Receipt No. 7001 0320 0006 0185 7545

Habeeba Shariff
5145 West Elm
Skokie, Illinois 60077
Receipt No. 7001 0320 0006 0185 7538

M. Anwar Shariff
1529A Irving Park Road
Chicago, Illinois 60613
Receipt No. 7001 0320 0006 0185 7521

M. Anwar Shariff
18281 Cone Flower Lane
Eden Prairie, Minnesota 55346
Receipt No. 7001 0320 0006 0185 7514


Frederick Brown/LC-8J
Pesticides and Toxics Compliance Section
U.S. EPA, Region 5
77 West Jackson Boulevard
Chicago, Illinois 60604

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Docket No. _____