



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

REPLY TO THE ATTENTION OF:

AUG 26 2010

LC-8J

CERTIFIED MAIL

Receipt No.7009 1680 0000 7667 3136

Mr. Jason LaSage
W180 N8170 Destiny Dr.
Menomonee Falls, Wisconsin 53051

Mr. Jason LaSage TSCA-05-2010-0020

Dear Mr. LaSage:

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 August 26, 2010, with the Regional Hearing Clerk.

The civil penalty in the amount of \$720.00 is to be paid in the manner described in paragraphs 30 and 31. Please be certain that the number **BD 2751047X011** and the docket number are written on both the transmittal letter and on the check. Payment is due by September 25, 2010 (within 30 calendar days of the filing date).

Thank you for your cooperation in resolving this matter.

Sincerely,

A handwritten signature in cursive script that reads "Estrella Calvo".

Estrella Calvo
Pesticides and Toxics Compliance Section

Enclosures

cc: Eric Volck, Cincinnati Finance/MWD (w/Encl.)
Peter Felitti, Counsel for Complainant/C-14J

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5

REGIONAL HEARING CLERK
U.S. ENVIRONMENTAL
PROTECTION AGENCY

In the Matter of:)	Docket No. TSCA-05-2010-0020
)	
Jason LaSage)	Proceeding to Assess a Civil
Menomonee Falls, Wisconsin,)	Penalty Under Section 16(a) of the
)	Toxic Substances Control Act,
Respondent.)	15 U.S.C. § 2615(a)
_____)	

Consent Agreement and Final Order Commencing and Concluding the Proceeding

Preliminary Statement

1. This is an administrative action commenced and concluded under Section 16(a) of the Toxic Substances Control Act (TSCA), 15 U.S.C. § 2615(a), and the *Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits* (Consolidated Rules) as codified at 40 C.F.R. Part 22.
2. The Complainant is the Director of the Land and Chemicals Division, United States Environmental Protection Agency (EPA), Region 5.
3. Respondent is Jason LaSage, a sole proprietor doing business in the State of Wisconsin.
4. Where the parties agree to settle one or more causes of action before the filing of a complaint, the administrative action may be commenced and concluded simultaneously by the issuance of a consent agreement and final order (CAFO). 40 C.F.R. § 22.13(b).
5. The parties agree that settling this action without the filing of a complaint or the adjudication of any issue of fact or law is in their interest and in the public interest.
6. Respondent consents to the assessment of the civil penalty specified in this CAFO, and to the terms of this CAFO.

seller or a 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.

15. 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 the lack of knowledge of such presence; 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; 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, the signatures and dates of signature of the lessor, and lessee certifying the accuracy of their statements.

16. Under 42 U.S.C. § 4852d(b)(5) and 40 C.F.R. § 745.118(e), failure 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(a) of TSCA, 15 U.S.C. § 2615(a), 42 U.S.C. § 4852d(b)(5), and 40 C.F.R. § 745.118(f).

17. The Administrator of EPA may assess a civil penalty of up to \$11,000 for each violation of Section 409 of TSCA that occurred after July 28, 1997 through January 12, 2009, pursuant to 42 U.S.C. § 4852d(b)(5), 15 U.S.C. § 2615(a), and 40 C.F.R. Part 19.

Factual Allegations and Alleged Violations

18. Between October 1, 2004 and February 10, 2008, Respondent owned residential rental property in Milwaukee, Wisconsin at 717 West Maple Street, 737 South 23rd Street, 1527 South 23rd Street, 1701-1715 West Scott Street, 2003 West Rogers Street, 2038 South 6th Street, 2121-2123 South 25th Street, 2302 Burnham Street, 2302-2304 West Burnham Street,

2024 South 84 th Street	02/10/2008
2038 South 6 th Street	10/01/2007
2038 South 6 th Street	01/01/2005
2038 South 6 th Street	04/02/2005
2038 South 6 th Street	01/01/2005
2038 South 6 th Street	01/03/2005
2038 South 6 th Street	05/15/2006
2121 South 5 th Street	12/05/2006
2121 South 5 th Street	11/02/2004
2121 South 5 th Street	08/01/2005
2121 South 5 th Street	01/01/2005
2121 South 5 th Street	07/30/2006
2123 South 25 th Street	12/06/2004
2302 West Burnham Street	05/26/2005
2302 West Burnham Street	09/07/2007
2302 West Burnham Street	10/03/2004
2302 West Burnham Street	05/30/2006
2302 West Burnham Street	01/09/2008
2304 West Burnham Street	03/09/2007
2304 West Burnham Street	04/10/2005
3629 West Hampton Avenue	02/14/2007
3629 West Hampton Avenue	10/12/2007
3629 West Hampton Avenue	10/01/2004
3629 West Hampton Avenue	11/06/2005
3629 West Hampton Avenue	10/01/2004
3629 West Hampton Avenue	02/08/2006
3629 West Hampton Avenue	05/03/2007
3629 West Hampton Avenue	11/19/2004
1513 A. West Walker Street	11/01/2004
1513 A. West Walker Street	11/22/2004
1513 A. West Walker Street	12/02/2007
1513 A. West Walker Street	08/01/2005
1515 A. West Walker Street	11/05/2004
1555 A. South 5 th Street	08/23/2005
1555 A. South 5 th Street	10/06/2006
1557 A. South 5 th Street	07/15/2005
1557 A. South 5 th Street	09/23/2005
1557 A. South 5 th Street	08/11/2006

21. Each of the 70 contracts referred to in paragraph 20, above, covered a term of occupancy greater than 100 days.

22. Respondent is a "lessor," as defined in 40 C.F.R. § 745.103, because he offered the

violation of 40 C.F.R. § 745.113(b)(4), 15 U.S.C. § 2689, and 42 U.S.C. § 4852d(b)(5).

28. Respondent failed to include the signatures of the lessor, and the lessees certifying to the accuracy of their statements and the dates of such signatures, either within the contract or as an attachment to the contract for the lease of Respondent's properties at the addresses listed in paragraph 20 above, in violation of 40 C.F.R. § 745.113(b)(6), 15 U.S.C. § 2689, and 42 U.S.C. § 4852d(b)(5).

Civil Penalty

29. Pursuant to Section 16(a) of TSCA, 15 U.S.C. § 2615(a), Complainant determined that an appropriate civil penalty to settle this action is \$720. In determining the penalty amount, Complainant considered the nature, circumstances, extent, and gravity of the violations, and, with respect to Respondent, ability to pay, effect on ability to continue to do business, any history of such prior violations, the degree of culpability. Complainant also considered EPA's *Section 1018 – Disclosure Rule Enforcement Response and Penalty Policy*, dated December 2007.

30. Within 30 days after the effective date of this CAFO, Respondent must pay a \$720 civil penalty for the TSCA violations by sending a cashier's or certified check, payable to the "Treasurer, United States of America," 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, the docket number of this CAFO, and the billing document number.

General Provisions

35. This CAFO resolves only Respondent's liability for federal civil penalties for the violations alleged in the CAFO.

36. 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 violations of law.

37. This CAFO does not affect Respondent's responsibility to comply with the Lead Act and the Disclosure Rule and other applicable federal, state, and local laws.

38. Respondent certifies that he is complying with the Lead Act and the Disclosure Rule.

39. The terms of this CAFO bind Respondent, and his successors and assigns.

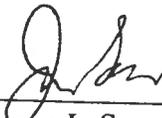
40. Each person signing this agreement certifies that he or she has the authority to sign for the party whom he or she represents and to bind that party to its terms.

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

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

Jason LaSage, Respondent

7/30/2010
Date



Jason LaSage

In the Matter of:
Jason LaSage
Docket No. TSCA-05-2010-0020

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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.

8-26-10
Date



Susan Hedman
Regional Administrator
United States Environmental Protection Agency
Region 5

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 Jason LaSagei, was filed on August 26, 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. 7009 1680 0000 7667 3136 to:

Mr. Jason LaSage
W180 N8170 Destiny Dr.
Menomonee Falls, Wisconsin 53051

and forwarded intra-Agency copies to:

Marcy Toney, Regional Judicial Officer, ORC/C-14J
Peter Felitti, 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

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