

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5

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In the Matter of:) Docket No. TSCA-05-2008-0008
)
Aretha Marshall)
Detroit, Michigan)
Respondent.)
)
)

REGIONAL HEARING CLERK
U.S. ENVIRONMENTAL
PROTECTION AGENCY

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

STATUS REPORT

Complainant, the United States Environmental Protection Agency (“U.S. EPA”), submits this Status Report informing the Court that the parties have agreed to a settlement-in-principle of this matter, and that a draft Consent Agreement and Final Order (“CAFO”) has been circulated for negotiation and finalization for signature by the parties. In further support, U.S. EPA states as follows:

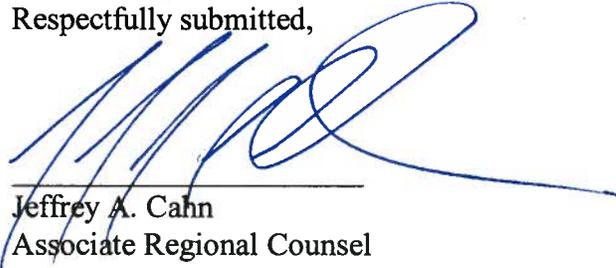
1. On April 4, 2008, U.S. EPA filed its Complaint in this action against Respondent. U.S. EPA’s Complaint alleges that the Respondent violated the Residential Lead-Based Paint Hazard Reduction Act of 1992 (the “Lead-Based Paint Hazard Reduction Act”), 42 U.S.C. § 4852d *et seq.*, and Section 16 of TSCA, 15 U.S.C. § 2615, and 40 C.F.R. § 745.113(b)(1), (b)(2), (b)(3), (b)(4), and (b)(6) in 11 lease agreements.
2. On or about June 18, 2008, the Respondent filed an Answer to U.S. EPA’s Complaint and requested a hearing in this matter.
3. The parties agreed to alternative dispute resolution overseen by this Court. The initial ADR period was, for good cause, extended until November 8, 2008. This date has not passed.
4. The parties have agreed to a settlement in principle that would resolve this matter. Settlement of this matter still must be memorialized in a CAFO. A draft CAFO was provided to

Respondent for review and, if appropriate, signature on October 28, 2008.

5. U.S. EPA anticipates that it may take up to two weeks after the CAFO is returned by Respondent for the CAFO to be finally executed by appropriate U.S. EPA management and to be filed.

6. Counsel for U.S. EPA will immediately inform the Court if it becomes evident that the filing of the CAFO will be unduly delayed.

Respectfully submitted,



Jeffrey A. Cahn
Associate Regional Counsel
U.S. Environmental Protection Agency
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Chicago, Illinois 60604
312.886.6670

CERTIFICATE OF SERVICE

I, Jeffrey A. Cahn, hereby certify that I caused a copy of the "Status Report" of the United States Environmental Protection Agency to be served by United States Mail, first class and postage pre-paid, on November 3, 2008, upon the following:

Mr. Jeffrey G. Collins
Phifer & White
Suite 500
1274 Library Street
Detroit, Mi 48226

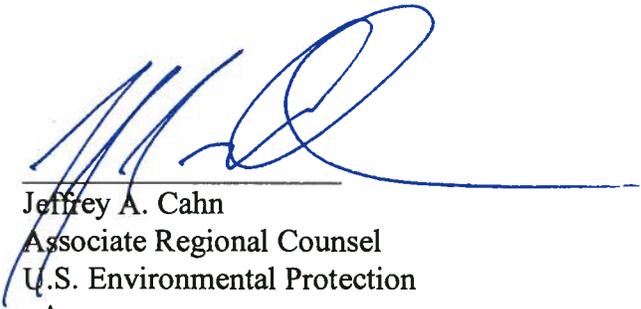
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PROTECTION AGENCY

I further certify that I caused a copy of the "Status Report" of the United States Environmental Protection Agency to be served personally served by pouch mail on November 3, 2008, upon the following:

Honorable Barbara A. Gunning
Administrative Law Judge
Office of Administrative Law Judges
U.S. EPA
1200 Pennsylvania Avenue, NW
Mail Code 1900L
Washington, DC 20460

I further certify that I caused the original and one copy of the "Status Report" of the United States Environmental Protection Agency to be filed with the Regional Hearing Clerk, U.S. EPA, Region V, 13th Floor, 77 West Jackson Blvd., Chicago, Illinois 60604 on November 3, 2008.


Jeffrey A. Cahn
Associate Regional Counsel
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