UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 7
901 N. 5th STREET
KANSAS CITY, KANSAS 66101

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ENVIRONMENTAL PROTECTION AGENCY-REGION VII
REGIONAL HEARING CLERK

In the Matter of	)	
	)	
GARY A. BOND	)	
St. Louis, Missouri	)	**Docket No.** TSCA-07-2003-0002
	)	
	)	
Respondent	)	

CONSENT AGREEMENT AND FINAL ORDER

Introduction

Prior to the filing of a complaint in this matter, the parties have agreed to the settlement of an administrative cause of action for the assessment of civil penalties under Section 16(a) of the Toxic Substances Control Act (TSCA), 15 U.S.C. § 2615(a), in accordance with the United States Environmental Protection Agency's 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, found at 40 C.F.R. Part 22. Pursuant to 40 C.F.R. § 22.13(b), it is the intent of the parties to simultaneously commence and conclude this proceeding by the issuance of this Consent Agreement and Final Order.

The Complainant, by delegation from the Administrator of the United States Environmental Protection Agency (EPA), and the Regional Administrator, EPA, Region 7, is the Director, Air, RCRA, and Toxics Division, EPA, Region 7. The Respondent is Gary A. Bond, 4332 Berrywick, St. Louis, Missouri 63128.

Complainant's Allegations

Complainant has reason to believe that Respondent has 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 ("Disclosure Rule"), which was promulgated pursuant to Section 1018 of the Residential Lead-Based Paint Hazard Reduction Act of 1992, 42 U.S.C. § 4852d. Specifically, Complainant alleges:

Count I

1. Gary A. Bond ("Respondent") is an individual person.

2. For all periods of time relevant to the violation alleged herein, Respondent owned a residential property located at 3412 Winnebago, St. Louis, Missouri (the "Property").

3. The Property was constructed prior to 1978.

4. The Property is "target housing" as defined by 40 C.F.R. § 745.103.

5. On or about October 17, 1998, Respondent entered into a rental agreement (the "Contract") with Terry Walker and Shannon Allison for the lease of Respondent's Property for residential use.

6. As a result of the Contract described in Paragraph 5 above, Respondent became a "lessor", and Terry Walker and Shannon Allison became a "lessee", as those terms are defined by 40 C.F.R. § 745.103.

7. Terry Walker and Shannon Allison subsequently moved into the Property along with their young child.

8. Pursuant to 40 C.F.R. § 745.107(a)(1), before the lessee is obligated under any contract to lease target housing, the lessor of target housing must provide the lessee with an EPA-approved lead hazard information pamphlet.

9. Respondent did not provide an EPA-approved lead hazard information pamphlet to Terry Walker and Shannon Allison prior to being obligated under the rental Contract described in Paragraph 5 above.

10. Respondent's failure to provide an EPA-approved lead hazard information pamphlet to Terry Walker and Shannon Allison prior to being obligated under the rental Contract described in Paragraph 5 above is a violation of 40 C.F.R. § 745.107(a)(1) and Section 409 of TSCA.

CONSENT AGREEMENT

1. For the purposes of this proceeding, Respondent admits that Complainant has jurisdiction to bring this action pursuant to the statutory and regulatory provisions cited above, and neither admits nor denies Complainant's factual allegations above.

2. Respondent waives his right to contest Complainant's allegations above, and his right to appeal the Final Order accompanying this Consent Agreement.

3. Respondent and Complainant agree to conciliate this matter without the necessity of a formal hearing and to bear their respective costs and attorneys' fees.

4. Respondent certifies by the signing of this Consent Agreement and Final Order that to the best of Respondent's knowledge, he is presently in compliance with all 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 ("Disclosure Rule").

5. Although not required by TSCA, or any other federal, state, or local law, in settlement of this matter, Respondent agrees to conduct a lead abatement project on a residential property located at 7048 Lansdowne, St. Louis, Missouri. The goal of the project is to reduce the possibility of future occupants being exposed to lead-based paint. As part of the work performed on the property, Respondent shall, at a minimum: replace eleven (11) windows and frames with new vinyl replacement windows and frames. Respondent agrees to obtain prior written approval from EPA if Respondent decides to modify the project in such a manner that the above description of work would not be satisfied. Respondent agrees that the abatement project shall only be performed by professionals certified by the State of Missouri to perform lead-based paint activities, as that term is defined in 40 C.F.R. § 745.223. Respondent agrees to follow all applicable state and federal laws when performing this abatement project. Respondent agrees that the abatement project shall be completed within one hundred eighty (180) days of the effective date of this Consent Agreement and Final Order. Within fourteen (14) days of completion of the abatement project, Respondent agrees to provide EPA with a notarized statement indicating that the abatement project has been completed, along with an accounting of expenses incurred on the project. Respondent agrees to include in the accounting statement a statement certifying that the expenses incurred and listed in the accounting statement are accurate and represent only those expenses for the abatement project. Respondent agrees not to claim this abatement project as a business expense on his federal, state, or local income tax returns and agree not to depreciate the costs on his tax returns.

6. Respondent consents to the issuance of the Final Order hereinafter recited and consent to the payment of a mitigated civil penalty in the amount of One Thousand Three Hundred Fifty Dollars ($1,350) to be paid within thirty (30) days of the effective date of the Final Order. Furthermore, Respondent consents to the stipulated penalty provision contained in Paragraph 2 of the Final Order.

7. Respondent understands that his failure to timely pay any portion of the mitigated civil penalty stated in Paragraph 6 above, or any stipulated penalties assessed pursuant to Paragraph 2 of the Final Order, may result in the commencement of a civil action in Federal District Court to recover the full remaining balance, along with penalties and accumulated interest. In such case, interest shall accrue thereon at the rate determined by the Secretary of the Treasury (five percent (5%) per annum for the period January 1, 2002 through December 31, 2002) on the unpaid balance until such civil penalty and/or stipulated penalty and any accrued interest are paid in full. Additionally, as provided by 31 U.S.C. § 3717(e)(2), a five percent (5%) per annum penalty (late charge) may be assessed on any amount not paid within ninety (90) days of the due date.

Final Order

Pursuant to the provisions of the Toxic Substances Control Act (TSCA), 15 U.S.C. § 2601 et seq, and based upon the information set forth in the Consent Agreement accompanying this Final Order, IT IS HEREBY ORDERED THAT:

1. Respondent shall undertake and complete the abatement project as set forth in Paragraph 5 of the Consent Agreement.

2. In the event that Respondent fails to undertake or complete the abatement project as set forth in Paragraph 5 of the Consent Agreement, Respondent shall pay a stipulated penalty in the amount of Four Thousand Fifty Dollars ($4,050). Such stipulated penalty shall become immediately due and payable within thirty (30) days of the scheduled completion date of the abatement project, which is set forth in Paragraph 5 of the Consent Agreement.

3. Respondent shall pay a mitigated civil penalty of One Thousand Three Hundred Fifty Dollars ($1,350) to be paid within thirty (30) days of the effective date of the Final Order. Such payment shall identify the Respondent by name and docket number and shall be by certified or cashier's check made payable to the "United States Treasury" and sent to:

EPA-Region 7
c/o Mellon Bank
P.O. Box 360748M
Pittsburgh, Pennsylvania 15251.

4. A copy of the check must be sent simultaneously to each of the following:

Regional Hearing Clerk
U.S. Environmental Protection Agency
Region 7
901 N. 5th Street
Kansas City, Kansas 66101; and

Mike Gieryic
Office of Regional Counsel
U.S. Environmental Protection Agency
901 N. 5th Street
Kansas City, Kansas 66101.

5. Respondent and Complainant shall bear their own costs and attorneys' fees incurred as a result of this matter.

RESPONDENT:
GARY A. BOND
ST. LOUIS, MISSOURI

Date 10-2-02 By Gary A. Bond
Gary A. Bond

COMPLAINANT:
U.S. ENVIRONMENTAL PROTECTION AGENCY

Date 10/3/02 By for William A. Spratlin
Director
Air, RCRA, and Toxics Division

Date 10/7/02 By
Mike Gieryic
Assistant Regional Counsel

IT IS SO ORDERED. This Final Order shall become effective immediately.

Robert L. Patrick
Regional Judicial Officer

Date October 7, 2002

IN THE MATTER OF Gary A. Bond, Respondent
Docket No. TSCA-07-2003-0002

CERTIFICATE OF SERVICE

I certify that the foregoing Consent Agreement and Final Order was sent this day in the following manner to the addressees:

Copy hand delivered to
Attorney for Complainant:

Mike Gieryic
Assistant Regional Counsel
Region VII
United States Environmental Protection Agency
901 N. 5th Street
Kansas City, Kansas 66101

Copy by First Class Mail Return Receipt:

Gary A. Bond
4332 Berrywick
St. Louis, Missouri 63128

Dated: 10/9/03

Kathy Robinson
Kathy Robinson
Regional Hearing Clerk