

UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY

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BEFORE THE ADMINISTRATOR

ENVIRONMENTAL PROTECTION  
AGENCY-REGION VII  
REGIONAL HEARING CLERK

In the Matter of )  
)  
COMPREHENSIVE MANAGEMENT )  
SERVICES, INC. and CMS/CHATEAU )  
KNOLLS, INC. )  
Geneva, Illinois )  
)  
Respondents )

Docket No. TSCA-07-2002-0227

CONSENT AGREEMENT AND FINAL ORDER

This proceeding for the assessment of a civil penalty was initiated on or about September 20, 2002, pursuant to Section 16(a) of the Toxic Substances Control Act (TSCA), 15 U.S.C. § 2615(a), when the United States Environmental Protection Agency (Complainant) issued Comprehensive Management Services, Inc., and CMS/Chateau Knolls, Inc., of Geneva, Illinois (Respondents), a Complaint and Notice of Opportunity for Hearing.

The Complaint charged Respondents with violations of Section 409 of TSCA, 15 U.S.C. § 2689, and the regulations 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 were promulgated pursuant to Section 1018 of the Residential Lead-Based Paint Hazard Reduction Act of 1992, 42 U.S.C. §§ 4851 et seq.

The Complaint proposed a civil penalty of Eleven Thousand Dollars (\$11,000.00) for these alleged violations. The parties entered into negotiations in an attempt to settle the allegations contained in the Complaint. This Consent Agreement and Final Order is the result of such negotiations, and fully and finally resolve the allegations contained in the Complaint.

CONSENT AGREEMENT

1. For the purposes of this proceeding, Respondents admit the jurisdictional allegations of the Complaint, and neither admit nor deny the factual allegations of the Complaint.

2. Respondents waive their right to contest the allegations of the Complaint and their right to appeal the Final Order accompanying this Consent Agreement.

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

4. Respondents certify by the signing of this Consent Agreement and Final Order that to the best of Respondents' knowledge, they are presently in compliance with all requirements of 40 C.F.R. part 745, subpart F.

5. Respondents consent to the issuance of the Final Order hereinafter recited and consent to the payment of a mitigated civil penalty in the amount of Two Thousand Seven Hundred and Nine Dollars (\$2709.00), to be paid within thirty (30) days of the effective date of the Final Order.

6. Respondents understand that their failure to timely pay any portion of the mitigated civil penalty stated in Paragraph 5 above, 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 applicable statutory rate on the unpaid balance until such civil penalty and any accrued interest are paid in full. A late payment handling charge of \$15 will be imposed after 30 days and an additional \$15 will be charged for each subsequent 30-day period. Additionally, as provided by 31 U.S.C. § 3717(c)(2), a six percent (6%) 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. Respondents shall pay a mitigated civil penalty of Two Thousand Seven Hundred and Nine Dollars (\$2709.00) within thirty (30) days of the effective date of this Final Order. Such payment shall identify the Respondents 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.

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

Regional Hearing Clerk  
U.S. Environmental Protection Agency  
Region VII  
901 N. 5<sup>th</sup> Street  
Kansas City, Kansas 66101; and

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

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

RESPONDENT  
COMPREHENSIVE MANAGEMENT SERVICES, INC.

Date: 2/2/04


By: 

Name: Edward Carlson

Title: President

RESPONDENT  
CMS/CHATEAU KNOLLS, INC.

Date: 2/2/04

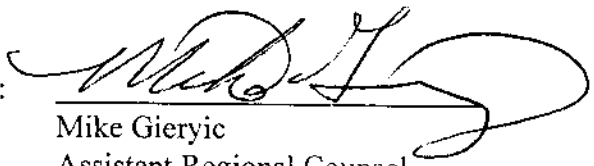
By: 

Name: Edward Carlson

Title: Pres. Cont


COMPLAINANT  
U. S. ENVIRONMENTAL PROTECTION AGENCY

Date: February 9, 2004

By:   
Mike Gieryic  
Assistant Regional Counsel  
EPA, Region 7

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

Date: February 9, 2004

  
ROBERT L. PATRICK  
Regional Judicial Officer  
EPA, Region 7

IN THE MATTER OF Comprehensive Management Services, Inc and CMS/Chateau Knolls, Inc.,  
Respondent  
Docket No. TSCA-07-2002-0227

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:

Michael Gieryic  
Assistant Regional Counsel  
Region VII  
United States Environmental Protection Agency  
901 N. 5<sup>th</sup> Street  
Kansas City, Kansas 66101

Copy by Certified Mail Return Receipt to:

Thomas F. Brett, II, Esq.  
Ungaretti & Harris  
3500 Three First National Plaza  
Chicago, Illinois 60602

Dated: 2/10/04

  
Kathy Robinson  
Regional Hearing Clerk