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November 9, 2012

Via FedEx #8989 2318 9530

Ms. Wanda A. Santiago
Regional Hearing Clerk
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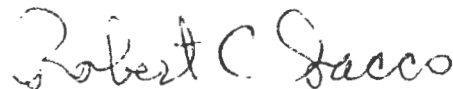
Re: In the Matter of: Springfield Housing Authority
Docket No.: TSCA-01-2012-0078
Our File No.: 19,046

Dear Ms. Santiago:

Please find enclosed for filing one original and one copy of Respondent's Answer to Complaint and Notice of Opportunity for Hearing.

If you have any questions or need anything further, please feel free to contact me.

Very truly yours,



Robert C. Sacco

/cbb

Enclosures

Cc: William D. Chin, Esq. (EPA)
Lee Ann Richardson, Esq. (HUD)
William H. Abrashkin
Priscilla F. Chesky

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**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 1**

Docket No.
TSCA-01-2012-0078

In the Matter of:)
)
Springfield Housing Authority)
25 Saab Court)
Springfield, Massachusetts 01104)
)
Respondent)
)
Proceeding under Section 16(a) of the)
Toxic Substances Control Act,)
42 U.S.C. § 2615(a))
_____)



**RESPONDENT'S ANSWER TO COMPLAINT AND NOTICE OF OPPORTUNITY FOR
HEARING**

I. STATEMENT OF AUTHORITY

1. Paragraph 1 is an introductory statement and thus no answer is deemed to be required. To the extent an answer is required, Respondent is without sufficient knowledge to admit or deny the said allegations.

II. NATURE OF THE ACTION

2. The Respondent admits so much of Paragraph 2 that Respondent has received the Complaint and Notice of Opportunity for Hearing. Respondent denies the remaining allegations contained in Paragraph 2.

III. STATUTORY AND REGULATORY BACKGROUND

3. Paragraph 3 is an introductory statement and thus no answer is deemed to be required. To the extent an answer is required, Respondent is without sufficient knowledge to admit or deny the said allegations.

4. The Respondent admits the allegations contained in Paragraph 4.

5. The Respondent admits the allegations contained in Paragraph 5.

6. The Respondent admits the allegations contained in Paragraph 6.

7. The Respondent admits the allegations contained in Paragraph 7.
8. Paragraph 8 is a statement of law or practice, and thus no answer is deemed to be required. To the extent an answer is required, Respondent is without sufficient knowledge to admit or deny the said allegations.
 - 8a. Paragraph 8(a) is a statement of law or practice, and thus no answer is deemed to be required. To the extent an answer is required, Respondent is without sufficient knowledge to admit or deny the said allegations.
 - 8b. Paragraph 8(b) is a statement of law or practice, and thus no answer is deemed to be required. To the extent an answer is required, Respondent is without sufficient knowledge to admit or deny the said allegations.
 - 8c. Paragraph 8(c) is a statement of law or practice, and thus no answer is deemed to be required. To the extent an answer is required, Respondent is without sufficient knowledge to admit or deny the said allegations.
 - 8d. Paragraph 8(d) is a statement of law or practice, and thus no answer is deemed to be required. To the extent an answer is required, Respondent is without sufficient knowledge to admit or deny the said allegations.
9. Paragraph 9 is a statement of law or practice, and thus no answer is deemed to be required. To the extent an answer is required, Respondent is without sufficient knowledge to admit or deny the said allegations.
10. Paragraph 10 is a statement of law or practice, and thus no answer is deemed to be required. To the extent an answer is required, Respondent is without sufficient knowledge to admit or deny the said allegations.
11. Paragraph 11 is a statement of law or practice, and thus no answer is deemed to be required. To the extent an answer is required, Respondent is without sufficient knowledge to admit or deny the said allegations.
12. Paragraph 12 is a statement of law or practice, and thus no answer is deemed to be required. To the extent an answer is required, Respondent is without sufficient knowledge to admit or deny the said allegations.
13. Paragraph 13 is a statement of law or practice, and thus no answer is deemed to be required. To the extent an answer is required, Respondent is without sufficient knowledge to admit or deny the said allegations.

IV. GENERAL ALLEGATIONS

14. The Respondent admits to the allegations contained in Paragraph 14, except Respondent is without sufficient knowledge to admit or deny the allegation that Respondent is the third largest housing authority in Massachusetts.

15. The Respondent is without sufficient knowledge to admit or deny those allegations contained in Paragraph 15, which provide that Springfield Housing Authority is a “lessor” as defined by 40 C.F.R. § 745.103. The Respondent admits that Springfield Housing Authority was and is located in Springfield, Massachusetts, holds legal title to the property listed in Paragraph 15 and offers for lease certain property located in Springfield, Massachusetts. The Respondent lacks sufficient knowledge as to admit or deny the lease dates and ages of children residing at each address. The Respondent denies the remaining allegations contained in Paragraph 15.

16. The Respondent is without sufficient knowledge to admit or deny those allegations contained in Paragraph 16, which alleged that the housing owned and leased by Springfield Housing Authority is “target housing” as defined within the administrative complaint. The Respondent denies the remaining allegations contained in Paragraph 16.

17. The Respondent admits the allegations contained in Paragraph 17.

18. The Respondent admits the allegations contained in Paragraph 18.

19. The Respondent admits the allegations contained in Paragraph 19.

20. The Respondent admits the allegations contained in Paragraph 20.

21. Paragraph 21 is a statement of law or practice, and thus no answer is deemed to be required. To the extent an answer is required, Respondent is without sufficient knowledge to admit or deny the said allegations.

V. VIOLATIONS

Count 1 – Failure to Provide Lead Hazard Information Pamphlet

22. The Respondent’s answers for Paragraphs 1-21 are hereby incorporated.

23. Paragraph 21 is a statement of law or practice, and thus no answer is deemed to be required. To the extent an answer is required, Respondent is without sufficient knowledge to admit or deny the said allegations.

24. The Respondent denies the allegations contained in Paragraph 24.

25. The Respondent denies the allegations contained in Paragraph 25.

Count 2 – Failure to Disclose Presence of Known Lead-Based Paint and/or Provide Records Pertaining to Lead-Based Paint

26. The Respondent's answers for Paragraphs 1-25 are hereby incorporated.

27. Paragraph 27 is a statement of law or practice, and thus no answer is deemed to be required. To the extent an answer is required, Respondent is without sufficient knowledge to admit or deny the said allegations.

28. Paragraph 28 is a statement of law or practice, and thus no answer is deemed to be required. To the extent an answer is required, Respondent is without sufficient knowledge to admit or deny the said allegations.

29. The Respondent denies the allegations contained in Paragraph 29.

30. The Respondent denies the allegations contained in Paragraph 30.

31. The Respondent denies the allegations contained in Paragraph 31.

Count 3 – Failure to Include Lead Warning Statement

32. The Respondent's answers for Paragraphs 1-31 are hereby incorporated.

33. Paragraph 33 is a statement of law or practice, and thus no answer is deemed to be required. To the extent an answer is required, Respondent is without sufficient knowledge to admit or deny the said allegations.

34. The Respondent denies the allegations contained in Paragraph 34.

35. The Respondent denies the allegations contained in Paragraph 35.

Count 4 – Failure to Include Disclosure Statement Regarding Lead-Based Paint

36. The Respondent's answers for Paragraphs 1-35 are hereby incorporated.

37. Paragraph 37 is a statement of law or practice, and thus no answer is deemed to be required. To the extent an answer is required, Respondent is without sufficient knowledge to admit or deny the said allegations.

38. The Respondent denies the allegations contained in Paragraph 38.

39. The Respondent denies the allegations contained in Paragraph 39.

VI. PROPOSED PENALTY

40. Paragraph 40 is a statement of law or practice, and thus no answer is deemed to be required. To the extent an answer is required, Respondent is without sufficient knowledge to admit or deny the said allegations.

41. Paragraph 41 is a statement of law or practice, and thus no answer is deemed to be required. To the extent an answer is required, Respondent is without sufficient knowledge to admit or deny the said allegations.

42. **Ability to Pay:** Paragraph 42 is a statement of law or practice, and thus no answer is deemed to be required. To the extent an answer is required, Respondent is without sufficient knowledge to admit or deny the said allegations.

43. Paragraph 43 is a statement of intent to assess a penalty, and thus no answer is deemed to be required. To the extent an answer is required, Respondent is without sufficient knowledge to admit or deny the said allegations.

43a. **Count 1 (Lead Pamphlet):** The Respondent denies the allegations contained in Paragraph 43a.

43b. **Count 2 (Lead Paint Records):** The Respondent denies the allegations contained in Paragraph 43b.

43c. **Count 3 (Lead Warning Statement):** The Respondent denies the allegations contained in Paragraph 43c.

43d. **Count 4 (Lead Disclosure Statement):** The Respondent denies the allegations contained in Paragraph 43d.

Statement of Respondent regarding Proposed Penalties

By way of further answer and in response to proposed penalties and by way of Affirmative Defense, the Respondent sets forth the following:

1. From October, 2002 through April, 2007, the Springfield Housing Authority and its former Executive Director, Raymond Asselin and his Assistant Executive Director were the subject of a federal corruption probe.
2. In 2004 this probe resulted in the federal indictments of 13 individuals and implicated many other former Springfield Housing Authority employees and vendors. The former Executive Director looted the Housing Authority through a pattern of bribery, theft and fraud. In March 2007 he pled guilty to racketeering, conspiracy to commit racketeering and presiding over the corrupt operation of the SHA as a criminal enterprise. During his thirty three years at the agency he oversaw an enterprise with a pervasive and systematic

culture of corruption that infected all levels and aspects of SHA.

3. The former Executive Director pillaged the institution (and its employees and needy tenants) that he was obliged to protect. He dragooned maintenance employees into performing routine home improvement work at the Asselin family's homes. He directed staff to falsify SHA records and attempted to conceal evidence when the federal investigation began to bear down on him. Many were victimized through Mr. Asselin's actions and the impacts on the Housing Authority have been severe.
4. Mr. Asselin's crimes broke the essential trust with tenants, vendors, federal and state funding sources and the general public. Many of the Respondent's buildings were nearing functional obsolescence at the time of his sentencing in 2007. Between 2003 and 2008, the Housing Authority had five (5) Executive Directors either on an Interim or permanent basis.
5. In August 2008 the current Executive Director was hired to run the Authority. He and the Board of Commissioners have been faced with the huge task of returning the organization to the performance of its core duties of serving the tenants and occupants of the several thousand housing units the Authority is responsible for. That effort has included training and retraining of employees and instituting policies and practices that comply with current standards and laws. They continue the battle to right the Housing Authority from years and years of corruption and the dysfunction that corruption manifested.
6. The allegations against the Respondent, Springfield Housing Authority relate to errors in forms provided to residents and applicants. The Respondent, during the time period of the inspections, was newly managed by a team that inherited an operation in perilous condition. They have worked to rebuild the organization from the ground up after decades of corruption and mismanagement.
7. This statement is not meant to minimize the importance of the allegations contained in this complaint. However, it is important that the alleged violations be viewed in perspective with respect to the intensive and complete rebuilding of the Housing Authority operations that was happening at the same time and the numerous issues and challenges that the Respondent was faced with at the end of the criminal corruption action.
8. The nature of the alleged violations, the circumstances under which they allegedly occurred and the extent of harm require that assessment of a penalty, if any, should be minimal.
9. In addition if a penalty is deemed appropriate it must be minimal as there is no history of prior violations, the violations if proven were administrative errors without any animus, the respondent has cooperated in the investigation of this matter, provided all material requested and taken affirmative steps to correct the practice and procedure of the organization to ensure the violations are not repeated and finally the respondent has limited ability to pay any penalty as it is a publically created and financed agency with

limited budget and assets. Lastly, any penalty assessed will harm no one but those people whom the applicable regulations were designed to protect as any funds used to pay a penalty will be taken from monies used to operate and upkeep the public housing which the Respondent manages.

VII. OPPORTUNITY TO REQUEST A HEARING AND FILE ANSWER

44. Respondent in this action hereby requests a hearing on this matter as allowed by law.

45. Paragraph 45 is a statement of law or practice, and thus no answer is deemed to be required. To the extent an answer is required, Respondent is without sufficient knowledge to admit or deny the said allegations.

46. Paragraph 46 is a statement of law or practice, and thus no answer is deemed to be required. To the extent an answer is required, Respondent is without sufficient knowledge to admit or deny the said allegations.

47. Paragraph 47 is a statement of law or practice, and thus no answer is deemed to be required. To the extent an answer is required, Respondent is without sufficient knowledge to admit or deny the said allegations.

48. Paragraph 48 is a statement of law or practice, and thus no answer is deemed to be required. To the extent an answer is required, Respondent is without sufficient knowledge to admit or deny the said allegations.

VIII. SETTLEMENT CONFERENCE

49. Paragraph 49 is a statement of law or practice, and thus no answer is deemed to be required. To the extent an answer is required, Respondent is without sufficient knowledge to admit or deny the said allegations. Respondent further states it has been and will continue to confer with Complainant or its designee to resolve these matters prior to hearing.

THE RESPONDENT
By their Attorneys

Date: November 9, 2012



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CERTIFICATE OF SERVICE

I hereby certify that on November 9, 2012, I caused a copy of the within Answer to Complaint and Notice of Opportunity for Hearing to be served on the interested parties by causing a copy thereof to be mailed first class, postage prepaid to:

William D. Chin
Enforcement Counsel
U.S. EPA, Region 1
5 Post Office Square – Suite 100
Mail Code: OES04-4
Boston, MA 02109-3912



Robert C. Sacco