

**BEFORE THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029**

In the Matter of:)	DOCKET NO.: TSCA-03-2018-0057
)	
Bryn Coed Farms Company)	Proceeding Under Section 16(a) of the
1422 Saint Matthews Road)	Toxic Substances Control Act, 15 U.S.C.
Chester Springs, PA 19425)	Section 2615(a)
)	
Respondent,)	
)	
11 Bryn Coed Lane,)	
98 Bryn Coed Lane, and)	
1806 Flint Road)	
Chester Springs, PA)	
)	
Target Housing.)	

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EPA REGION III PHILA. PA

CONSENT AGREEMENT

I. PRELIMINARY STATEMENT

1. This Consent Agreement is entered into by the Director of the Land and Chemicals Division, U. S. Environmental Protection Agency, Region III (“Complainant” or “EPA” or “Agency”) and Bryn Coed Farms Company (“Respondent”), pursuant to Sections 16(a) and 409 of the Toxic Substances Control Act (“TSCA”), 15 U.S.C. §§ 2615(a) and 2689, the federal regulations set forth at 40 C.F.R. Part 745, Subpart F, and the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation, Termination or Suspension of Permits (“Consolidated Rules of Practice”), 40 C.F.R. Part 22 (with specific reference to 40 C.F.R. §§ 22.13(b) and 22.18(b)(2) and (3)).
2. The violations cited herein pertain to the Respondent’s alleged failure, as a lessor of target housing, to comply with requirements of 40 C.F.R. Part 745, Subpart F, Section 1018(b)(5) of the Residential Lead-Based Paint Hazard Reduction Act (“RLBPHRA”), 42 U.S.C. § 4852d(b)(5), and Section 409 of TSCA, 15 U.S.C. § 2689.
3. In accordance with 40 C.F.R. § 22.13(b) and .18(b)(2) and (3) of the Consolidated Rules of Practice, Complainant hereby simultaneously commences and resolves, as part of the settlement set forth herein, EPA’s civil claims alleged in Section IV (“Findings of Fact and Conclusions of Law”) of this Consent Agreement.

II. JURISDICTION

4. The U.S. Environmental Protection Agency and the Regional Administrator or Regional Judicial Officer have jurisdiction over the above-captioned matter pursuant to Sections 16 and 409 of TSCA, 15 U.S.C. §§ 2615 and 2689, Section 1018 of Title X of the RLBPHRA, 42 U.S.C. § 4852d, 40 C.F.R. Part 745, Subpart F, and 40 C.F.R. §§ 22.1(a)(5) and 22.4 of the Consolidated Rules of Practice.

III. GENERAL PROVISIONS

5. For purposes of this proceeding, Respondent admits the jurisdictional allegations set forth in this Consent Agreement and the attached Final Order, hereinafter collectively referred to as the "CAFO".

6. Except as provided in Paragraph 5 of this Consent Agreement, Respondent neither admits nor denies the factual allegations and legal conclusions set forth in this Consent Agreement.

7. Respondent agrees not to contest the jurisdiction of EPA with respect to the execution of this Consent Agreement, the issuance of the attached Final Order, or the enforcement of this CAFO.

8. For purposes of this proceeding only, Respondent hereby expressly waives any right to contest any issue of law or fact set forth in this Consent Agreement and any right to appeal the accompanying Final Order.

9. Respondent consents to the issuance of this CAFO and agrees to comply with its terms and conditions.

10. Each Party to this Consent Agreement shall bear its own costs and attorney's fees.

IV. FINDINGS OF FACT AND CONCLUSIONS OF LAW

11. In accordance with 40 C.F.R. § 22.13(b) and .18(b)(2) and (3) of the Consolidated Rules of Practice, Complainant alleges and adopts the Findings of Fact and Conclusions of Law set forth immediately below.

12. Respondent is a limited partnership registered in the Commonwealth of Pennsylvania, and a "person" under Sections 16(a) and 409 of the Toxic Substances Control Act ("TSCA"), 15 U.S.C. §§ 2615(a) and 2689. Bryn Coed Management LLC is the General Partner of Respondent.

13. At all times relevant to the violations alleged in this Consent Agreement, Respondent was a "lessor" in connection with a January 16, 2013 agreement to lease a "residential dwelling" located at 98 Bryn Coed Lane in Chester Springs, Pennsylvania; a November 7, 2015 agreement to lease a "residential dwelling" located at 1806 Flint Road in Chester Springs, Pennsylvania;

and a November 18, 2015 agreement to lease a “residential dwelling” located at 11 Bryn Coed Lane in Chester Springs, Pennsylvania, as those terms are defined at 40 C.F.R. § 745.103.

14. At all relevant times to the violations alleged in this Consent Agreement, the residential dwellings described in Paragraph 13 were constructed prior to 1978 and were not “housing for the elderly” or persons with disabilities or “0-bedroom dwelling[s]” as those terms are defined in 40 C.F.R. § 745.103, and were “target housing” as this term is defined at 40 C.F.R. § 745.103.

15. At all relevant times to the violations alleged in this Consent Agreement, the agreements to lease the residential dwellings described in Paragraph 13 were not “[l]eases of target housing. . . found to be lead-based paint free by an inspector certified under the Federal certification program or under a federally accredited State or tribal certification program,” as provided at 40 C.F.R. § 745.101(b); “[s]hort-term leases of 100 days or less, where no lease renewal or extension can occur,” as provided at 40 C.F.R. § 745.101(c); or “[r]enewals of existing leases . . . in which the lessor has previously disclosed all information required under § 745.107 and where no new information described in § 745.107 has come into the possession of the lessor,” as provided at 40 C.F.R. § 745.101(d).

COUNT 1 – FAILURE TO PROVIDE LEAD HAZARD INFORMATION PAMPHLET

16. The allegations contained in Paragraphs 1 through 15 of this Consent Agreement are incorporated by reference herein as though fully set forth at length.

17. Pursuant to 40 C.F.R. § 745.107(a)(1), before any lessee is obligated under any agreement to lease target housing, the lessor must provide the lessee with an EPA-approved lead hazard information pamphlet, either the EPA document entitled *Protect Your Family From Lead in Your Home* or an equivalent pamphlet that has been approved for use in Pennsylvania by EPA.

18. Respondent failed to provide the lessee an EPA-approved lead hazard information pamphlet before entering into the January 16, 2013 agreement to lease the residential dwelling located at 98 Bryn Coed Lane in Chester Springs, Pennsylvania.

19. Pursuant to 40 C.F.R. § 745.118(e), Respondent’s acts or omissions described in Paragraphs 18 constitute a violation of 40 C.F.R. § 745.107(a)(1); Section 1018(b)(5) of RLBPHERA, 42 U.S.C. § 4852d(b)(5); and Section 409 of TSCA, 15 U.S.C. § 2689.

COUNT 2 – FAILURE TO INCLUDE LEAD WARNING STATEMENT IN CONTRACTS

20. The allegations contained in Paragraphs 1 through 15 of this Consent Agreement are incorporated by reference herein as though fully set forth at length.

21. Pursuant to 40 C.F.R. § 745.113(b)(1), each contract to lease target housing is required to include, as an attachment or within the contract, a Lead Warning Statement with the following language: “Housing built before 1978 may contain lead-based paint. Lead from paint, paint chips, and dust can pose health hazards if not managed properly. Lead exposure is especially harmful to young children and pregnant women. Before renting pre-1978 housing, lessors must

disclose the presence of lead-based paint and/or lead-based paint hazards in the dwelling. Lessees must also receive a federally approved pamphlet on lead poisoning prevention.”

22. Respondent failed to include a Lead Warning Statement containing the language required by 40 C.F.R. § 745.113(b)(1) either as an attachment to or within the January 16, 2013 agreement to lease the residential dwelling located at 98 Bryn Coed Lane in Chester Springs, Pennsylvania.

23. Respondent failed to include a Lead Warning Statement containing the language required by 40 C.F.R. § 745.113(b)(1) either as an attachment to or within the November 7, 2015 agreement to lease the residential dwelling located at 1806 Flint Road in Chester Springs, Pennsylvania.

24. Respondent failed to include a Lead Warning Statement containing the language required by 40 C.F.R. § 745.113(b)(1) either as an attachment to or within the November 18, 2015 agreement to lease the residential dwelling located at 11 Bryn Coed Lane in Chester Springs, Pennsylvania.

25. Pursuant to 40 C.F.R. § 745.118(e), Respondent’s acts or omissions described in Paragraphs 22-24 constitute three (3) violations of 40 C.F.R. § 745.113(b)(1); Section 1018 (b)(5) of RLBPHRA, 42 U.S.C. § 4852d(b)(5); and Section 409 of TSCA, 15 U.S.C. § 2689.

COUNT 3 – FAILURE TO INCLUDE LEAD DISCLOSURE STATEMENT IN CONTRACTS

26. The allegations contained in Paragraphs 1 through 15 of this Consent Agreement are incorporated by reference herein as though fully set forth at length.

27. Pursuant to 40 C.F.R. § 745.113(b)(2), each contract to lease target housing must include, as an attachment or within the contract, a statement by the lessor disclosing the presence of any known lead-based paint and/or lead-based paint hazards in the target housing being leased or indicating no knowledge of the presence of lead-based paint and/or lead-based paint hazards. The lessor shall also disclose any additional information available concerning any known lead-based paint and/or lead-based paint hazards, such as the basis for the determination that lead-based paint and/or lead-based paint hazards exist, the location of the lead-based paint and/or lead-based paint hazards and the condition of the painted surfaces.

28. Respondent failed to include a statement disclosing the presence of known lead-based paint and/or lead-based paint hazards or a statement indicating no knowledge of the presence of lead-based paint and/or lead-based paint hazards, either as an attachment to, or within, the January 16, 2013 agreement to lease the residential dwelling located at 98 Bryn Coed Lane in Chester Springs, Pennsylvania.

29. Respondent failed to include a statement disclosing the presence of known lead-based paint and/or lead-based paint hazards or a statement indicating no knowledge of the presence of lead-based paint and/or lead-based paint hazards, either as an attachment to, or within, the November 7, 2015 agreement to lease the residential dwelling located at 1806 Flint Road in Chester Springs, Pennsylvania.

30. Respondent failed to include a statement disclosing the presence of known lead-based paint and/or lead-based paint hazards or a statement indicating no knowledge of the presence of lead-based paint and/or lead-based paint hazards, either as an attachment to, or within, the November 18, 2015 agreement to lease the residential dwelling located at 11 Bryn Coed Lane in Chester Springs, Pennsylvania.

31. Pursuant to 40 C.F.R. § 745.118(e), Respondent's acts or omissions described in Paragraphs 28-30 constitute three (3) violations of 40 C.F.R. § 745.113(b)(2); Section 1018 (b)(5) of RLBPHRA, 42 U.S.C. § 4852d(b)(5); and Section 409 of TSCA, 15 U.S.C. § 2689.

COUNT 4 – FAILURE TO INCLUDE AFFIRMATION STATEMENTS IN CONTRACTS

32. The allegations contained in Paragraphs 1 through 15 of this Consent Agreement are incorporated by reference herein as though fully set forth at length.

33. Pursuant to 40 C.F.R. § 745.113(b)(4), each contract to lease target housing must include, as an attachment or within the contract, a statement by the lessee affirming receipt of the lead hazard information pamphlet required under 15 U.S.C. § 2686.

34. Respondent failed to include a statement by the lessee affirming receipt of the lead hazard information pamphlet, either as an attachment to, or within, the November 7, 2015 agreement to lease the residential dwelling located at 1806 Flint Road in Chester Springs, Pennsylvania.

35. Respondent failed to include a statement by the lessee affirming receipt of the lead hazard information pamphlet, either as an attachment to, or within, the November 18, 2015 agreement to lease the residential dwelling located at 11 Bryn Coed Lane in Chester Springs, Pennsylvania.

36. Pursuant to 40 C.F.R. § 745.118(e), Respondent's acts or omissions described in Paragraphs 34-35 constitute two (2) violations of 40 C.F.R. § 745.113(b)(4); Section 1018 (b)(5) of RLBPHRA, 42 U.S.C. § 4852d(b)(5); and Section 409 of TSCA, 15 U.S.C. § 2689.

V. CIVIL PENALTY

37. In settlement of EPA's claims for civil penalties assessable for the violations alleged in this Consent Agreement, Respondent consents to the assessment of a civil penalty in the amount of FIFTY THOUSAND DOLLARS (\$50,000) which Respondent shall be liable to pay in accordance with the terms set forth below. Such civil penalty amount shall become due and payable immediately upon Respondent's receipt of a true and correct copy of this CAFO. In order to avoid the assessment of interest, administrative costs and late payment penalties in connection with such civil penalty, as described in Paragraphs 40 through 43, Respondent must pay such civil penalty no later than THIRTY (30) CALENDAR DAYS after the date on which a true and correct copy of the signed and executed CAFO is delivered to Respondent.

38. The aforesaid settlement amount is based upon Complainant's consideration of a number of factors, including the penalty criteria set forth in Section 16(a)(2)(B) of TSCA, 15 U.S.C.

§ 2615(a)(2)(B), *i.e.*, the nature, circumstances, extent and gravity of the violations, and with respect to the Respondent, ability to pay, effect on ability to continue to do business, any history of prior such violations, and degree of culpability, and such other matters as justice may require. These factors were applied to the particular facts and circumstances of this case with specific reference to EPA's December 2007 *Section 1018 — Disclosure Rule Enforcement Response and Penalty Policy*, and 40 C.F.R. Part 19.

39. Payment of the civil penalty amount described in Paragraph 37, shall be made by either cashier's check, certified check or electronic wire transfer, in the following manner:

- a. Mailing (*via first class U.S. Postal Service Mail*) a certified, cashier's or business check, made payable to the "United States Treasury" to the following address:

U.S. Environmental Protection Agency
Cincinnati Finance Center
P.O. Box 979077
St. Louis, MO, 63197-9000.
Contact: Craig Steffen 513-487-2091
Heather Russell 513-487-2044

- b. Via Overnight Delivery of a certified, cashier's or business check, made payable to the "United States Treasury", sent to the following address:

U.S. Environmental Protection Agency
Government Lockbox 979077
1005 Convention Plaza
SL-MO-C2-GL
St. Louis, MO 63101
Phone contact: 314-418-1028

- c. All payment made by check in any currency drawn on banks with no USA branches shall be addressed for delivery to:

Cincinnati Finance
US EPA, MS-NWD
26 W. M.L. King Drive
Cincinnati, OH 45268-0001

- d. By electronic funds transfer ("EFT") to the following account:

Federal Reserve Bank of New York
ABA 021030004
Account No. 68010727
SWIFT Address FRNYUS33
33 Liberty Street
NY, NY 10045

(Field tag 4200 of Fedwire message should read “D 68010727 Environmental Protection Agency”)

- e. By automatic clearinghouse (“ACH”) to the following account:

U.S. Treasury REX/Cashlink ACH Receiver
ABA 051036706
Account No. 310006
Environmental Protection Agency
CTX Format
Transaction Code 22 – checking

Contact: John Schmid 202-874-7026
REX 866-234-5681

- f. Online payments can be made at WWW.PAY.GOV by entering “sfo 1.1” in the search field, and opening the form and completing the required fields.
- g. Additional payment guidance is available at:

<http://www2.epa.gov/financial/makepayment>

All payments shall also reference the above case caption and docket number (Docket No. TSCA-03-2018-0057). At the same time that any payment is made, Respondent shall mail copies of any corresponding check, or provide written notification confirming any electronic wire transfer, automated clearinghouse or online payment to the following addressees:

Regional Hearing Clerk (3RC00)
U.S. EPA, Region III
1650 Arch Street
Philadelphia, PA 19103-2029

Jennifer M. Abramson (3RC50)
U.S. EPA, Region III
1650 Arch Street
Philadelphia, PA 19103-2029

40. Pursuant to 31 U.S.C. § 3717 and 40 C.F.R. § 13.11, EPA is entitled to assess interest and late payment penalties on outstanding debts owed to the United States and a charge to cover the costs of processing and handling a delinquent claim, as more fully described below.

Accordingly, Respondent’s failure to make timely payment or to comply with the conditions in this Consent Agreement and Final Order shall result in the assessment of late payment charges including interest, penalties, and/or administrative costs of handling delinquent debts.

41. Interest on the civil penalty assessed in this CAFO will begin to accrue on the date that a copy of this CAFO is delivered to the Respondent. However, EPA will not seek to recover interest on any amount of the civil penalty that is paid within thirty (30) calendar days after the date on which such interest begins to accrue. Interest will be assessed at the rate of the United States Treasury tax and loan rate in accordance with 40 C.F.R. §13.11(a).

42. The cost of EPA’s administrative handling of overdue debts is charged and assessed monthly throughout the period the debt is overdue. 40 C.F.R. §13.11(b). Pursuant to Appendix 2 of EPA’s *Resources Management Directives - Cash Management*, Chapter 9, EPA will assess a

\$15.00 administrative handling charge for administrative costs on unpaid penalties for the first thirty (30) day period after the payment is due and an additional \$15.00 for each subsequent thirty (30) days the penalty remains unpaid.

43. A penalty charge of six (6) percent per year will be assessed monthly on any portion of the civil penalty which remains delinquent more than ninety (90) calendar days. 40 C.F.R. §13.11 (c). Should assessment of the penalty charge on the debt be required, it shall accrue from the first day payment is delinquent. 31 C.F.R. § 901.9(d).

44. Respondent agrees not to deduct for federal tax purposes the civil penalty specified in this Consent Agreement and the accompanying Final Order.

VI. EFFECT OF SETTLEMENT

45. The settlement set forth in this CAFO shall constitute full and final satisfaction of all civil claims for penalties which Complainant may have under TSCA and/or the RLBPHRA for the specific violations alleged in Section IV ("Findings of Fact and Conclusions of Law"), above. Compliance with this CAFO shall not be a defense to any action commenced at any time for any other violation of the federal laws and regulations administered by EPA.

VII. OTHER APPLICABLE LAWS

46. Nothing in this CAFO shall relieve Respondent of its obligation to comply with all applicable federal, state, and local laws and regulations.

VIII. CERTIFICATION OF COMPLIANCE

47. Respondent certifies to Complainant, upon investigation, to the best of its knowledge and belief, that it currently is in compliance with 40 C.F.R. Part 745, Subpart F, Section 1018(b)(5) of RLBPHRA, and Section 409 of TSCA, as it no longer owns or leases any target housing.

IX. RESERVATION OF RIGHTS

48. This Consent Agreement and the accompanying Final Order resolve only EPA's claims for civil monetary penalties for the specific violations alleged in Section IV ("Findings of Fact and Conclusions of Law") herein. EPA reserves the right to commence action against any person, including Respondent, in response to any condition which EPA determines may present an imminent and substantial endangerment to the public health, public welfare, or the environment. In addition, this settlement is subject to all limitations on the scope of resolution and to the reservation of rights set forth in Section 22.18 (c) of the Consolidated Rules of Practice. Further, EPA reserves any rights and remedies available to it under TSCA, the RLBPHRA, the regulations promulgated thereunder, and any other federal laws or regulations for which EPA has jurisdiction, to enforce the provisions of this CAFO, following its filing with the EPA Regional Hearing Clerk.

X. PARTIES BOUND

49. This Consent Agreement and the accompanying Final Order shall apply to and be binding upon the EPA, the Respondent, and Respondent's successors and assigns. By his or her signature below, the person signing this Consent Agreement on behalf of Respondent acknowledges that he or she is fully authorized to enter into this Consent Agreement and to legally bind Respondent to the terms and conditions of this Consent Agreement and Final Order.

XI. EFFECTIVE DATE

50. The effective date of this Consent Agreement and the accompanying Final Order is the date on which the Final Order, signed by the Regional Administrator of EPA Region III, or his designee, the Regional Judicial Officer, is filed with the EPA Regional Hearing Clerk pursuant to the Consolidated Rules of Practice.

XII. ENTIRE AGREEMENT

51. This Consent Agreement and the accompanying Final Order constitute the entire agreement and understanding of the parties regarding settlement of all claims pertaining to the specific violations alleged herein and there are no representations, warranties, covenants, terms, or conditions agreed upon between the parties other than those expressed in this CAFO.

For Respondent:

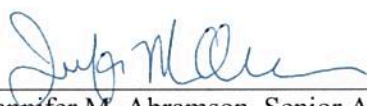
By: Bryn Coed Management LLC, its general partner

1/9/18
Date


H. Richard Dietrich III, Manager
Bryn Coed Management LLC


For Complainant:

1/11/18
Date


Jennifer M. Abramson, Senior Assistant Regional Counsel
U.S. EPA Region III

Accordingly, I hereby recommend that the Regional Administrator, or his designee, the Regional Judicial Officer, issue the attached Final Order.

01-11-2018
Date


Martha Shimkin, Acting Director
Land and Chemicals Division
U.S. EPA Region III

**BEFORE THE UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION III**

In the Matter of:

Bryn Coed Farms Company
1422 Saint Matthews Road
Chester Springs, PA 19425

Respondent,

11 Bryn Coed Lane,
98 Bryn Coed Lane, and
1806 Flint Road
Chester Springs, PA

Target Housing.

EPA DOCKET NO. TSCA-03-2018-0057

FINAL ORDER

**Proceeding under Section 16(a) of the Toxic
Substances Control Act, 15 U.S.C. Section 2615(a)**

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EPA REGION III, PHILA. PA

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FINAL ORDER

Complainant, the Director of the Land and Chemicals Division, U.S. Environmental Protection Agency, Region III, and Respondent, Bryn Coed Farms Company, have executed a document entitled "Consent Agreement," which I hereby ratify as a Consent Agreement in accordance with the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits ("Consolidated Rules of Practice"), 40 C.F.R. Part 22 (with specific reference to Sections 22.18(b)(2) and (3)). The terms of the foregoing Consent Agreement are accepted by the undersigned and incorporated into this Final Order as if fully set forth at length herein.

Based upon the representations of the parties in the attached Consent Agreement, the penalty agreed to therein is based upon consideration of, *inter alia*, the statutory factors of Section 16(a)(2)(B) of TSCA, 15 U.S.C. § 2615(a)(2)(B), EPA's December 2007 *Section 1018 Disclosure Rule Final Enforcement Response Policy*, adjusted for inflation pursuant to 40 C.F.R. Part 19.

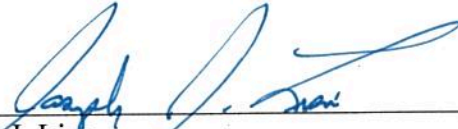
NOW, THEREFORE, PURSUANT TO Section 16 of the TSCA, 15 U.S.C. § 2615, and Section 22.18(b)(3) of the Consolidated Rules of Practice, **IT IS HEREBY ORDERED** that

Respondent pay a civil penalty in the amount of *FIFTY THOUSAND DOLLARS* (\$50,000), in accordance with the payment provisions set forth in the Consent Agreement, and comply with the terms and conditions of the Consent Agreement.

The effective date of the attached Consent Agreement and this Final Order is the date on which this Final Order is filed with the Regional Hearing Clerk.

Jan. 11, 2018

Date



Joseph J. Lisa
Regional Judicial and Presiding Officer
U.S. EPA Region III

**BEFORE THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029**

In the Matter of:)	DOCKET NO.: TSCA-03-2018-0057
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)	
Target Housing.)	

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CERTIFICATE OF SERVICE

I certify that the foregoing CONSENT AGREEMENT AND FINAL ORDER in the above referenced matter was sent this day in the following manner to the below addressees.

Original and one copy by hand-delivery: Regional Hearing Clerk

Copy by UPS Next Day Air: Seth v.d.H. Cooley
Duane Morris LLP
30 S. 17th Street
Philadelphia, PA 19103

JAN 11 2018
Date



Jennifer M. Abramson (3RC50)
Senior Assistant Regional Counsel
U.S. EPA, Region III



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

MEMORANDUM

SUBJECT: Consent Agreement and Final Order
Docket No: TSCA-03-2018-0057

FROM: Mary B. Coe
Regional Counsel (3RC00)

Martha Shimkin, Acting Director
Land and Chemicals Division (3LC00)

TO: Joseph J. Lisa
Regional Judicial Officer (3RC00)

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EPA REGION III, PHILA. PA.

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The attached Consent Agreement and Final Order ("CAFO") have been negotiated with Bryn Coed Farms Company ("Respondent") in settlement of actionable Toxic Substances Control Act ("TSCA") violations. The compliance issues addressed in the CAFO involve the failure to comply with requirements of the Disclosure of Known Lead-Based Paint and/or Lead-Based Paint Hazards Upon Sale or Lease of Residential Property regulations promulgated at 40 C.F.R. Part 745, Subpart F in connection with leasing of pre-1978 housing, which subjects Respondent to civil penalties under Sections 16(a) and 409 of TSCA, 15 U.S.C. §§ 2615(a) and 2689.

The litigation team calculated a civil penalty of fifty thousand dollars (\$50,000) in consideration of the statutory factors set forth in Section 16(a)(2)(B) of TSCA, 15 U.S.C. § 2615(a)(2)(B), *i.e.*, the nature, circumstances, extent and gravity of the violations, and with respect to the Respondent's, ability to pay, effect on ability to continue to do business, any history of prior such violations, the degree of culpability, and such other matters as justice may require; EPA's December 2007 *Section 1018 — Disclosure Rule Enforcement Response and Penalty Policy*; and 40 C.F.R. Part 19.

We recommend that you sign the attached Final Order assessing fifty thousand dollars (\$50,000) in civil penalties against Respondent. After you execute the Final Order, please return the documents to Jennifer M. Abramson of Office of Regional Counsel for further processing.

Attachments

cc: Seth v.d.H. Cooley
Duane Morris LLP
30 S. 17th Street
Philadelphia, PA 19103
215.979.1838
scooley@duanemorris.com

