

**EPA ENFORCEMENT ACCOUNTS RECEIVABLE CONTROL NUMBER FORM FOR
ADMINISTRATIVE ACTIONS**

This form was originated by Wanda I. Santiago for

Andrea Simpson
Name of Case Attorney

3/1/10
Date

in the ORC (RAA) at 918-1113
Office & Mail Code Phone number

Case Docket Number TSCA-01-2010-0016

Site-specific Superfund (SF) Acct. Number _____

☒ This is an original debt ☐ This is a modification

Name and address of Person and/or Company/Municipality making the payment:

Carabella Management Company
200 Pratt Street
Meriden, CT 06450

Total Dollar Amount of Receivable \$ 276,000

Due Date: 3/28/10

SEP due? Yes ☐ No ☒ Date Due _____

Installment Method (if applicable)

INSTALLMENTS OF:

1ST \$ _____ on _____

2nd \$ _____ on _____

3rd \$ _____ on _____

4th \$ _____ on _____

5th \$ _____ on _____

For RHC Tracking Purposes:

Copy of Check Received by RHC _____ Notice Sent to Finance _____

TO BE FILLED OUT BY LOCAL FINANCIAL MANAGEMENT OFFICE:

IFMS Accounts Receivable Control Number _____

If you have any questions call: _____
in the Financial Management Office

Phone Number

**U.S. ENVIRONMENTAL PROTECTION AGENCY
REGION 1 (NEW ENGLAND)**

RECEIVED

2010 FEB 25 P 2:08

In the Matter of:)

Carabetta Management Company)
200 Pratt Street)
Meriden, Connecticut 06450)

Respondent.)

Docket No. TSCA-01-2010-0016

**CONSENT AGREEMENT and
FINAL ORDER**

OFFICE OF
REGIONAL HEARING CLERK

I. INTRODUCTION

The United States Environmental Protection Agency - Region 1 ("EPA"), as Complainant, and Carabetta Management Company ("Carabetta"), as Respondent, enter into this Consent Agreement and Final Order ("CAFO") by mutual consent. By this CAFO Respondent agrees to pay a civil penalty for alleged violations of Section 1018 of Title X of the Residential Lead-Based Paint Hazard Reduction Act of 1992 ("Lead Act"), 42 U.S.C. §§ 4851 *et seq.*, and the implementing regulations entitled *Disclosure of Known Lead-Based Paint and/or Lead-Based Paint Hazards Upon Sale or Lease of Residential Property* (the "Disclosure Rule"), 40 C.F.R. Part 745, Subpart F. Failure to comply with any regulatory requirement set forth in 40 C.F.R. Part 745, Subpart F, constitutes a violation of TSCA Section 409, 15 U.S.C. § 2689. Pursuant to Section 16 of TSCA, 15 U.S.C. § 2615, violations of Section 409 of TSCA are subject to the assessment of civil and/or criminal penalties.

This CAFO simultaneously commences and concludes the cause of action described herein, pursuant to 40 C.F.R. §§ 22.13(b) and 22.18(b), and Section 16 of TSCA, 15 U.S.C. § 2615. Complainant and Respondent (collectively, the "Parties") agree that settlement of this matter is in the public interest and that entry of this CAFO without litigation is the most appropriate means of resolving this matter.

Therefore, before any hearing or the taking of any testimony, without adjudication of any issue of fact or law herein, the Parties agree to comply with the terms of this CAFO.

II. PRELIMINARY STATEMENT

1. Respondent stipulates that EPA has jurisdiction over the subject matter alleged in this CAFO. Respondent waives any defenses it might have as to jurisdiction, venue and statute of limitations and, without admitting or denying EPA's factual findings or allegations of violation herein, Respondent consents to the terms of this CAFO.

2. Respondent acknowledges that it has been informed of the right to request a hearing and hereby waives its right to request a judicial or administrative hearing on any issue of law or fact set forth in this CAFO. Respondent also waives its right to appeal the Final Order accompanying the Consent Agreement.

3. This CAFO shall apply to and is binding upon Respondent, its successors and assigns.

III. EPA FINDINGS

4. Respondent is a residential property management company incorporated in the State of Connecticut.

5. In August and September 2003, EPA conducted a series of inspections to evaluate Carabetta's compliance with the Lead Act and the Disclosure Rule.

6. On June 8, 2004, EPA issued a subpoena requesting additional information necessary to evaluate Carabetta's compliance with the Lead Act and the Disclosure.

7. Pursuant to TSCA Section 401(17), 15 U.S.C. § 2681(17), and 40 C.F.R. § 745.103, the housing stock addressed by the Lead Act is termed "target housing." "Target housing" is defined as

any housing constructed prior to 1978, except housing for the elderly or disabled, or any 0-bedroom dwelling.

8. During the time period relevant to this matter, Carabetta was a “lessor,” as that term is defined in TSCA Section 401(17), 15 U.S.C. § 2681(17), and 40 C.F.R. § 745.103, of target housing located in the City of Meriden, Connecticut.

9. The Disclosure Rule requires lessors of target housing to, among other things:

- a) provide to lessees a lead hazard information pamphlet;
- b) disclose the presence of any known lead-based paint and/or lead-based paint hazards, and provide available records of the same;
- c) ensure that the contract to lease includes a Lead Warning Statement; and,
- d) ensure that the contract to lease includes a statement by the lessor disclosing the presence of known lead-based paint or lead-based paint hazards, or indicating no knowledge thereof.

10. Based on documents and information provided to EPA by Carabetta during the 2003 compliance inspections and in response to the 2004 subpoena, EPA alleges that Carabetta failed to comply with the Lead Act, 42 U.S.C. §§ 4851 *et seq.*, and the Disclosure Rule, 40 C.F.R. Part 745, Subpart F, when it entered into the 20 lease agreements for the lease of target housing referenced in Attachment 1 hereto. Specifically, EPA has identified the following violations of the Lead Act and the Disclosure Rule:

- a) 20 violations of 40 C.F.R. § 745.107(a)(1);
- b) 18 violations of 40 C.F.R. § 745.107(a)(2) and/or (a)(4);
- c) 19 violations of 40 C.F.R. § 745.113(b)(1); and,
- d) 19 violations of 40 C.F.R. § 745.113(b)(2).

A complete list of the specific alleged violations is set forth in Attachment 1.

IV. TERMS OF SETTLEMENT

11. By signing this CAFO, Respondent certifies that it is presently operating in compliance with the Lead Act and the Disclosure Rule.

12. In light of the above, and taking into account the factors enumerated in Section 16 of TSCA, EPA's *Section 1018 – Disclosure Rule Enforcement Response and Penalty Policy*, dated December 2007, and such other factors as justice may require, EPA has determined that it is fair and appropriate that Respondent pay a civil penalty in the amount of \$276,000 in settlement of the violations alleged herein.

13. Respondent consents to the issuance of this CAFO and consents to the payment of the civil penalty cited in Paragraph 12.

14. Respondent shall pay the penalty of \$276,000 within thirty (30) days of receipt of this CAFO signed by the Regional Judicial Officer.

15. Respondent shall make payment by submitting a bank or certified check, to the order of the "Treasurer, United States of America," in the amount of \$276,000, to:

U.S. Environmental Protection Agency
Fines and Penalties
Cincinnati Finance Center
P.O. Box 979076
St. Louis, MO 63197-9000

and shall provide copies of the check to:

In Re Carabetta Management Company: TSCA-01-2010-0016

FINAL ORDER

The foregoing Consent Agreement is hereby approved and incorporated by reference into this Final Order. Respondent, Carabetta Management Company, is ordered to comply with the terms of the above Consent Agreement, effective upon the date it is filed with the Regional Hearing Clerk.

Date: February 24, 2010

Jill T. Metcalf

Jill T. Metcalf
Regional Judicial Officer
EPA Region 1

In re: Carabetta Management Company, TSCA-01-2010-0016 - Violation Chart - Attachment 1

	APARTMENT and LEASE DATE (All apartments located in Meriden, CT)	AGE OF YOUNGEST OCCUPANT	ALLEGED VIOLATIONS OF THE LEAD ACT AND THE DISCLOSURE RULE			
			40 CFR 745.107(a)(1)	40 CFR 745.107(a)(2)/(a)(4)	40 CFR 745.113(b)(1)	40 CFR 745.113(b)(2)
1	300 Britannia Street, Apt. 5, March 1, 2002	Under 6 y.o.	X	X	X	X
2	300 Britannia Street, Apt. 15, August 18, 2003	Under 6 y.o.	X	X	X	X
3	300 Britannia Street, Apt. 25, June 15, 2001	Adult	X		X	X
4	300 Britannia Street, Apt. 43, November 19, 2001	Under 6 y.o.	X	X	X	X
5	300 Britannia Street, Apt. 44, September 24, 2001	Adult	X	X	X	X
6	300 Britannia Street, Apt. 46, December 22, 2003	Under 6 y.o.	X	X		
7	300 Britannia Street, Apt. 48, January 1, 2002	Under 6 y.o.	X	X	X	X
8	300 Britannia Street, Apt. 49, March 1, 2002	Under 6 y.o.	X	X	X	X
9	300 Britannia Street, Apt. 73, March 1, 2001	Under 6 y.o.	X		X	X
10	300 Britannia Street, Apt. 74, January 1, 2002	Adult	X	X	X	X
11	300 Britannia Street, Apt. 78, April 1, 2003	Adult	X	X	X	X
12	43 Cedar Street, Apt. 36, April 1, 2003	Under 6 y.o.	X	X	X	X
13	Cedar Street, Apt. 47, October 1, 2001	Adult	X	X	X	X
14	87 Park Street, Apt. 61, November 11, 2002	Adult	X	X	X	X
15	81 Park Street, Apt. 77, December 20, 2002	Adult	X	X	X	X
16	85 Park Street, Apt. 92, February 15, 2003	Adult	X	X	X	X
17	87 Camp Street, Apt. 119, September 1, 2001	Under 6 y.o.	X	X	X	X
18	95 Camp Street, Apt. 121, December 1, 2001	Under 6 y.o.	X	X	X	X
19	79 Camp Street, Apt. 140, January 1, 2003	Under 6 y.o.	X	X	X	X
20	213 State Street, Apt. 149, April 1, 2003	Under 6 y.o.	X	X	X	X