

July 20, 2007

Regional Hearing Clerk  
U.S. Environmental Protection Agency, Region 7  
901 N. 5<sup>th</sup> Street  
Kansas City, KS 66101

**CERTIFIED MAIL RETURN RECEIPT REQUESTED**

Article Number: 7005 0390 0001 4554 8409

RE: In the Matter of P & B Real Estate LLC  
Docket No. TSCA-07-2007-0033

Regional Hearing Clerk,

In response to the above referenced matter, P & B Real Estate, LLC confirms the below listed violations as indicated in the above referenced matter;

- 8) P & B Real Estate, LLC is lessor of a one bedroom apartment located at 2609A Hebert Street in St. Louis, Missouri
- 9) The Property was constructed prior to 1978
- 10) The Property is "target housing" as defined by 40 C.F.R. § 745.103.
- 11) The EPA conducted an evaluation and collected records as part of the evaluation
- 12) A Lease Agreement of the Property was executed on or about January 7, 2006
- 13) P & B Real Estate, LLC failed to provide lessee of the Property an EPA approved lead hazard information pamphlet.
- 14) Failure to perform any lead based paint disclosure activities is a violation of 40 C.F.R. § 745.107(a)(1) and a violation of Section 1018 of the Act and of Section 409 of TSCA
- 15) P & B Real Estate, LLC is subject to a civil penalty pursuant to Section 16 of TSCA, 15 U.S.C. § 2615 for the above violation.

However, P & B Real Estate, LLC objects to the amount of the proposed penalty to be assessed. As indicated to the representative of the U.S. Environmental Protection Agency on November 29, 2006 I was not aware of the Lead Paint disclosure rules and I voluntarily produced all requested documents at the time of the investigation. Once I became aware of this requirement I immediately contacted the tenant(s) and provided tenant with the required EPA lead paint hazard pamphlet and any other documents in my possession at the time concerning lead based paint.

Continued

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I understand my lack of knowledge concerning the EPA requirements regarding lead paint disclosure does not negate the fact that a violation did occur. I truly believed it was only required with HUD assisted properties. On March 6, 2003 I attended a seminar regarding landlord/tenant law in order to educate myself on the landlord/tenant relationship. The subject of lead paint disclosure was not discussed, nor was it mentioned in the handbook received. At no time prior to November 29, 2006 was I aware of the EPA requirement on lead paint disclosure.

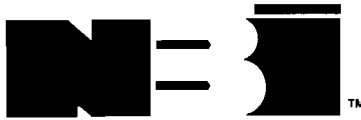
In closing, I confirm that P & B Real Estate was in violation of Section 409 of the TSCA, 15U.S.C. § 2689 and is subject to a civil penalty. But, due to the fact I was completely unaware of this requirement, I took steps to educate myself in landlord/tenant law, I have cooperated with the EPA during this investigation and immediate steps were taken to correct the violation, I feel a minimum 20% reduction should be made to the EPA's proposed penalty. I would also like to request that the reduced penalty be made in three payments. Unless a hearing would be required in order to reduce the proposed penalty, P & B Real Estate, LLC does not feel a hearing is necessary.

Respectfully,

Patricia D. Bukalski-Schonlau  
Office Manager

Enclosures (3)

Cc Chris R. Dudding, Attorney  
Office of Regional Counsel  
U.S. Environmental Protection Agency, Region 7  
901 N. 5<sup>th</sup> Street  
Kansas City, KS 66101



NATIONAL BUSINESS INSTITUTE

A Division of NBI, Inc.

CERTIFICATE OF ATTENDANCE

SPONSOR: National Business Institute
TITLE: Evictions and Landlord/Tenant Law in Missouri
DATE: March 6, 2003
LOCATION: St. Louis, MO

100% ATTENDANCE WILL RESULT IN THE FOLLOWING CREDIT:

Missouri Minimum Continuing Legal Education:
Maximum of 7.2 hours of credit which includes 1.0 hour of ethics.

Kansas Continuing Legal Education Commission:
Maximum of 7.0 hours of credit which includes 1.0 hour of ethics.

THIS CERTIFICATE SHOULD BE RETAINED BY THE PARTICIPANT AS PROOF OF ATTENDANCE. HOWEVER, LATE ARRIVALS AND/OR EARLY DEPARTURES MAY AFFECT CREDIT HOURS REPORTED.

7 1/2 No. of Hours Attended
Participant's Signature (handwritten)

PARTICIPANT'S NAME PATRICIA D. BUKALSKI
COMPANY P & B REAL ESTATE LLC
ADDRESS 5933 JACKSON AVE
CITY, ST, ZIP ST LOUIS, MO 63134

The following authorized signature certifies that the certificate was issued but does not verify the actual number of hours attended by the participant named above.

Stella Steinfel
Authorized Agent

**CITY OF ST. LOUIS**  
**DEPARTMENT OF PUBLIC SAFETY**  
**DEPARTMENT OF BUILDING LEAD INSPECTIONS & HAZARD CONTROL**  
**FRANCIS G. SLAY**  
**MAYOR**

To: <u>BURT STEPHEN WELLS</u>	From: <u>G.L. GOWS #749</u>
COMPANY: <u>P&amp;B REAL ESTATE, LLC</u>	Date:
FAX NUMBER: <u>(314) 521-2244</u>	TOTAL NO. OF PAGES INCLUDING COVER: <u>2</u>
PHONE NUMBER: <u>(314) 973-6111</u>	CONFIRMATION NUMBER: <u>(314) 641-8200</u>
Re: <u>2609-A HERBERT ST.</u>	FASCIMILE NUMBER: <u>(314) 589-6194</u>

**NOTES AND/OR COMMENTS:** YOUR COPY OF LAB REPORT.  
COMPLIANCE LETTER TO FOLLOW AFTER CITY COURT  
RELEASES CASE FILE BACK TO OUR OFFICE

*G.L. Gows*

City of St. Louis - Bldg. Division  
Kerry Hummnev  
Lead Hazard Control Section  
2923 N. Broadway  
St. Louis, MO 63147

PO Number:  
Date Collected: 4/10/2007  
Collected by: George L. Goins  
Project No.: 20062  
Project Name:  
Project Location: 2609-A Hebert St.

**LABORATORY REPORT**

EHT No.	Customer Sample Number	Sample Size	Analysis	Result	
				Mass	Concentration
236171	1, Blank	144 in2	Lead - Wipe	<5.0 µg	<5.0 µg/R2
236172	2, Rm. #1, Frt. Rm. CL FL	144 in2	Lead - Wipe	<5.0 µg	<5.0 µg/R2

Analysis	Method Reference	Reporting Limit	Date Analyzed	Analyst
Lead - Wipe	NIOSH Method 7082	5.0 µg	4/19/2007	MT

**Comments:**

- Results are blank corrected.
- Calculations of concentrations are based on sampling information submitted to EnviroHealth Technologies.
- Test reports are considered to be pending review until final audit of data is conducted as indicated by the signed copy issued to the customer.

Approved: *William J. Lowry*  
William J. Lowry, CIH  
President

4/23/07  
OK  
A. J. J.