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October 9, 2008

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Regional Hearing Clerk (3RC00)
Attn: Ms. Lydia Guy
U.S. Environmental Protection Agency
Region III
1650 Arch Street
Philadelphia, PA 19103-2029

**Re: In the Matter of: Old Colony Company, Charleston, West Virginia
Docket No. TSCA-03-2008-0386**

Dear Ms. Guy:

Enclosed for filing in the above-referenced administrative action is the original and a copy of the *Respondent's Answer* to the Complainant's Complaint in Docket No. TSCA-03-2008-0386. As evidenced by the Certificate of Service, a copy has been sent to the EPA counsel of record, Donzetta W. Thomas, and our client, Old Colony Company, care of Robert Thomas.

Thank you for your attention to this matter.

Sincerely yours,



KATHY G. BECKETT

KGB/DLA/rj

Copy: Donzetta W. Thomas, U.S. EPA
Robert Thomas, Old Colony Company

**ENVIRONMENTAL PROTECTION AGENCY
REGION III**

In the Matter of:

**OLD COLONY COMPANY
1205 Virginia Street, E.
Charleston, WV 25301**

Respondent.

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Docket No. TSCA-03-2008-0386

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**OLD COLONY COMPANY'S RESPONSE TO COMPLAINANT, ENVIRONMENTAL
PROTECTION AGENCY'S TSCA COMPLAINT**

I. INTRODUCTION

The following Answer from Old Colony Company, the Respondent, is in response to the Toxic Substance Control Act ("TSCA"), 15 U.S.C. § 2615(a), Complaint received from the Environmental Protection Agency ("EPA"), the Complainant, dated September 15, 2008. The Respondent has responded to each of the Complainant's allegations relating to the 25 sales agreements associated with the 24 housing units at issue in this case.

II. JURISDICTION

1. Paragraph 1 of the Complainant's Complaint contains legal conclusions to which no response is required.

III. DEFINITIONS AND REGULATORY REQUIREMENTS

2. Respondent admits to the language in Paragraphs 2 through 17 of the Complaint as a reiteration of existing law.

IV. FINDINGS OF FACT AND CONCLUSIONS OF LAW

3. Respondent is without information sufficient to affirm or deny the assertions contained in Paragraphs 18 through 22.

4. Respondent admits the assertions in Paragraphs 23 through 119 except for a portion of Paragraph 63. The 105 Sunny Brook Drive, St. Albans, WV sales transaction #10 was a sale of target housing at foreclosure.

V. VIOLATIONS

5. Respondent denies the assertions in Paragraphs 120 through 147 of the Complaint.

VI. HEARING REQUEST


6. Respondent respectfully requests a hearing in this matter.

VII. AFFIRMATIVE DEFENSES

7. Respondent submits that some or all of Complainant's claims may be barred, in whole or in part, by application of the following:

- A. Lack of jurisdiction; and
- B. Lack of standing.

Respectfully submitted,
By Counsel for Respondent


KATHY G. BECKETT, WVBN 4998
DONNIE L. ADKINS, WVBN 9743
JACKSON KELLY PLLC
500 Lee Street, East, Suite 1600
Charleston, WV 25301-3202
(304) 340-1000
Counsel for Old Colony Company

ENVIRONMENTAL PROTECTION AGENCY
REGION III

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Docket No. TSCA-03-2008-0386

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CERTIFICATE OF SERVICE

I, Kathy G. Beckett, do hereby certify that the original and a copy of the *Respondent's Answer* to the Complainant's Complaint in Docket No. TSCA-03-2008-0386, was sent via Federal Express to the EPA Region III Hearing Clerk at the address listed below on October 9, 2008 for filing. Also, a copy of the *Respondent's Answer* has been sent to the to Donzetta W. Thomas, the EPA's Senior Assistant Regional Counsel for Region III and Robert Thomas of Old Colony Company on October 9, 2008 by Federal Express to the addresses listed below:

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

Donzetta W. Thomas
Senior Assistant Regional Counsel (3RC30)
U.S. Environmental Protection Agency
1650 Arch Street
Philadelphia, PA 19103-2029

Robert Thomas
Old Colony Company
1210 Kanawha Blvd. East
Charleston, WV 25301


KATHY G. BECKETT