



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 1

5 POST OFFICE SQUARE, SUITE 100
BOSTON, MASSACHUSETTS 02109-3912

FILED

5/20/24

5:27 PM

**U.S. EPA REGION 1
HEARING CLERK**

Ms. LeAnn Jensen
Regional Judicial Officer
U.S. Environmental Protection Agency, Region 1
5 Post Office Square, Suite 100, Mail Code 4-MI
Boston, MA 02109-3912
Jensen.LeAnn@epa.gov

Re: Proposed Administrative Consent Agreement and Final Order
In the Matter of J. Da Silva Properties, LLC;
Docket No. TSCA-01-2024-0033

Dear Ms. Jensen:

In accordance with revised regional procedures, this letter is being transmitted to you via a separate letter sent by the U.S. Environmental Protection Agency, Region 1 ("EPA") to the Regional Hearing Clerk ("RHC") regarding the pending settlement of the above-referenced administrative enforcement action against J. Da Silva Properties, LLC ("Respondent"). Both Respondent and EPA have signed a Consent Agreement and Final Order ("CAFO") that will settle the case. The CAFO executed by the parties is being transmitted to you for your review and approval.

As permitted by 40 C.F.R § 22.13(b), the CAFO will both commence and conclude EPA's enforcement action against Respondent. Section III of the CAFO describes Respondent's alleged violations of the Toxic Substances Control Act ("TSCA"), the Residential Lead-Based Paint Hazard Reduction Act ("Act") and the Lead-Based Paint Disclosure Rule ("Disclosure Rule") at properties where Respondent offered for lease residential apartment units in Danbury, Connecticut. Specifically, Respondent failed to: (1) provide lessees with an EPA-approved lead hazard information pamphlet; (2) disclose to lessees the presence of the known lead-based paint and/or lead-based paint hazards; (3) include as an attachment, or within the contracts to lease target housing, a Lead Warning Statement; (4) include, within or attached to the lease contracts, a statement by the lessor disclosing the presence of 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; and (5) include, within or attached to the lease contracts, a list of the available records or reports pertaining to lead-based paint and/or lead-based paint hazards in the apartment units, or an indication that no records exist

Under the terms of the CAFO, Respondent agrees to pay a penalty of \$68,078 in two installments, agrees to perform a lead-based paint abatement Supplemental Environmental Project ("SEP") valued at \$44,453.91 and certifies compliance with the Disclosure Rule. EPA has determined that the installment payments are in the best interest of the United States. The settlement complies with *EPA's December 2007 Section 1018 Disclosure Rule Enforcement Response and Penalty Policy ("ERPP")* and

EPA's SEP Policy, which was amended by a March 10 2015 memorandum entitled, "Issuance of the 2015 Update to the 1998 U.S. Environmental Protection Agency."

After the Final Order has been signed, please transmit the fully executed CAFO to the Regional Hearing Clerk for filing and service on the parties. The parties' consent to the use of digital signatures (as well as Respondent's consent to electronic service of the CAFO, once filed) is included in Paragraph No. 78 of the CAFO. This settlement does not have any public notice requirements.

If you have any questions regarding the proposed CAFO, please contact me at decambre.peter@epa.gov or 617-918-1890, and Respondent's counsel, Jeffrey Bausch at jbausch@uks.com (203-786-8314) and Mark Zimmermann at mzimmermann@uks.com) (860-548-2624). Thank you for your attention to this matter.

Sincerely,

Peter DeCambre
Counsel for Complainant EPA
U.S. Environmental Protection Agency, Region 1

Attachments:

1. Proposed Consent Agreement and Final Order
2. Proposed Certificate of Service

cc: Jeffrey Bausch, Esq., Counsel for Respondent
Mark Zimmermann, Esq., Counsel for Respondent