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UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 8

Docket No. TSCA-08-2007-0010

2007DEC-3 PM 2:01

ENVIRONMENTAL
HEAD OFFICE

In the Matter of:)
Cherry Hills Apartments Business Trust,)
Respondent.)

**NOTICE OF SECOND ATTEMPT AT
SERVING THE COMPLAINT**

1. On September 25, 2007, the EPA sent a copy of a complaint filed against the Cherry Hills Apartments Business Trust, Respondent. The complaint was sent by certified mail, article number 7005 1820 0005 4855 5090. The complaint was sent to Respondent's registered agent, Mr. Shane Wade, Cherry Hills Apartments Business Trust, 2389 E. 6895 S., Cottonwood Heights, UT 84121 on September 25, 2007. The complaint was returned to EPA as unclaimed.
2. On the date noted in the certificate of service of this notice, the EPA is again serving Respondent with the complaint.

United States Environmental Protection Agency
Region 8, Office of Enforcement, Compliance and
Environmental Justice, Complainant

DEC 3 2007

Date: _____



Eduardo Quintana,
Senior Enforcement Attorney
Legal Enforcement Program
U.S.E.P.A. Region 8
1595 Wynkoop Street (ENF-L)
Denver, CO 80202-1129
303.312.6924
1.800.227.6924; ext. 312-6924

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CERTIFICATE OF SERVICE

I hereby certify that on this 3rd day of Dec., 2007, a copy of the foregoing Penalty Complaint and Notice of Opportunity for Hearing, with enclosures, and the Notice of Second Attempt at Serving the Complaint was served by Federal Express:

Mr. Shane Wade
Cherry Hills Apartments Business Trust
2389 E. 6895 S.
Cottonwood Heights, UT 84121

The original and one copy was hand-delivered to:

Tina Artemis
Region 8 Hearing Clerk
U.S. Environmental Protection Agency
1595 Wynkoop Street
Denver, Colorado 80202

Date: 12/3/2007

Signature: Judith M. McTernan

Name and Title: Judith M. McTernan, Secretary 8ENF-L



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

1595 Wynkoop Street
DENVER, CO 80202-1129
Phone 800-227-8917
<http://www.epa.gov/region08>

Ref: 8ENF-I.

DEC 3 2007

VIA FEDERAL EXPRESS

Tracking No.: 8625 3887 6060

Mr. Shane Wade
Cherry Hills Apartments Business Trust
2389 E. 6895 S.
Cottonwood Heights, UT 84121

Re: Second Mailing of Complaint and Notice of Opportunity for Hearing for Lead-Based Paint Disclosure Rule Violations

Dear Mr. Wade:

On September 25, 2007, the U.S. Environmental Protection Agency (EPA), Region 8, filed a complaint and notice of opportunity for hearing for violations of the Lead-Based Paint Disclosure Rule. The complaint was sent to address above and was returned to EPA as unclaimed. EPA is resending you the complaint via Federal Express. The enclosed complaint proposes a penalty of \$6,188.00.

The EPA conducted one or more inspections of the Cherry Hills Apartment Complex located at 2210 E. 3300 S., Salt Lake City, Utah. The inspection was conducted pursuant to the authority of the Toxic Substances Control Act (TSCA) to determine the compliance status of Cherry Hills Apartments with the requirements of Section 409 of TSCA, 15 U.S.C. section 2689, and 40 C.F.R. Part 745, Subpart F, Disclosure of Known Lead-Based Paint and/or Lead-Based Paint Hazards Upon Sale or Lease of Residential Property (Disclosure Rule).

The Disclosure Rule requires that before a lessee is obligated under any contract to lease target housing, the lessor and their agents are required to disclose to the purchaser or lessee certain information regarding the possible or actual presence of lead-based paint and /or lead-based paint hazards in the target housing, including providing the purchaser or lessee with an EPA-approved lead hazards information pamphlet.

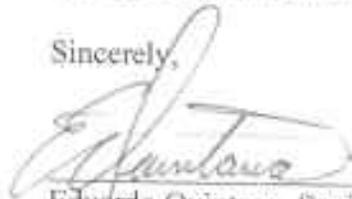
For your reference, enclosed, please find the Section 1018 Disclosure Rule Enforcement Response Policy. The Enforcement Response Policy sets forth EPA's policy in addressing violations of the Disclosure Rule. Also find enclosed a copy of the Consolidated Rules of

Practice Governing the Administrative Assessment of Civil Penalties, 40 C.F.R. Part 22, which details the administrative procedure that will be followed throughout this process.

Please note that under the Rules of Practice, you may just send in a check for the proposed penalty amount to settle the proceeding, without the need for a settlement agreement. 40 CFR section 22.18. See Collection Information enclosure for payment instructions.

If you have any questions please contact me. I can be reached at 303-312-6924, in writing at the address on the letterhead above, or by e-mail at quintana.eduardo@epa.gov.

Sincerely,



Eduardo Quintana, Senior Enforcement Attorney
Legal Enforcement Program

Enclosures: Collection Information
Penalty Complaint and Notice of Opportunity for Hearing
TSCA § 1018 Disclosure Rule Enforcement Response Policy
40 CFR Part 22: Consolidated Rules of Practice
Information Fact Sheet: U.S. EPA Small Business Resources
Notice of Second Attempt at Serving the Complaint

COLLECTION INFORMATION

PENALTY PAYMENTS:

US Environmental Protection Agency
Fines and Penalties
Cincinnati Finance Center
PO Box 979077
St. Louis, MO 63197-9000

WIRE TRANSFERS:

Wire transfers should be directed to the Federal Reserve Bank of New York.

Federal Reserve Bank of New York
ABA = 021030004
Account = 68010727
SWIFT address = FRNYUS33
33 Liberty Street
New York NY 10045
Field Tag 4200 of the Fedwire message should read " D 68010727 Environmental Protection Agency "

OVERNIGHT MAIL:

U.S. Bank
1005 Convention Plaza
Mail Station SL-MO-C2GL
St. Louis, MO 63101

Contact: Natalie Pearson
314-418-4087

ACH (also known as REX or remittance express)

Automated Clearinghouse (ACH) for receiving US currency
PNC Bank
808 17th Street, NW
Washington, DC 20074
Contact - Jesse White 301-887-6548
ABA = 051036706
Transaction Code 22 - checking
Environmental Protection Agency
Account 310006
CTX Format

ON LINE PAYMENT:

There is now an On Line Payment Option, available through the Dept. of Treasury.
This payment option can be accessed from the information below.

WWW.PAY.GOV
Enter sfo 1.1 in the search field

Open form and complete required fields.