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Hunt, et al

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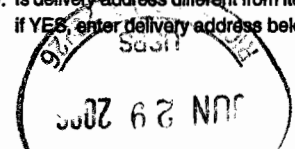
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**UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY**

BEFORE THE ADMINISTRATOR

IN THE MATTER OF:)
)
RONALD H. HUNT, ET AL.,) **DOCKET NO. TSCA-03-2003-0285**
) **TSCA Appeal No. 05-01**
RESPONDENTS.)

ORDER ON REMAND

I. Background

This proceeding was instituted on July 22, 2003, by the Associate Director for Enforcement, Waste and Chemicals Management Division, United States Environmental Protection Agency, Region 3 ("Complainant"), pursuant to Section 16(a) of the Toxic Substances Control Act (TSCA), 15 U.S.C. § 2615(a). The Complaint alleges in 47 counts that the five named Respondents – Ronald H. Hunt, Patricia L. Hunt, David E. Hunt, J. Edward Dunivan, and Genesis Properties, Inc. – violated Section 409 of TSCA, 15 U.S.C. § 2689, Section 1018 of the Residential Lead Based Paint Hazard Reduction Act of 1992, 42 U.S.C. § 4852d, and the Federal regulations promulgated thereunder, codified at 40 C.F.R. Part 745, Subpart F. As the basis therefor, the Complaint states that various individual Respondents own the four residential dwellings in Richmond, Virginia identified as 1124 North 28th Street, 1813 North 29th Street, 3015 Barton Avenue, and 2405 Third Avenue; that those dwellings were constructed prior to 1978; and, as "lessors," or the agent thereof (Respondent Genesis Properties, Inc), Respondents entered into a total of ten written leases for the dwellings. The Complaint alleges further that the dwellings are "target housing" containing lead-based paint, that Respondents knew at all relevant times that the dwellings contained lead-based paint and/or lead-based paint hazards, and that they failed to make the legally required disclosures concerning lead-based paint to their prospective lessees.

By Order dated July 2, 2004, the undersigned granted both Complainant's Motion for Accelerated Decision as to 32 counts of the Complaint (Counts 5-13, 17-22, 25-28, 35-47) and Complainant's Motion to Withdraw the remaining 15 counts of the Complaint (Counts 1-4, 14-16, 23, 24, and 29-34). In granting Accelerated Decision, this Tribunal relied, *inter alia*, upon evidence proffered by Complainant including the reports of inspections of the subject dwellings performed by four employees of the City of Richmond Department of Public Health (RDPH) evidencing that those dwellings contained lead-based paint. *See*, Order on EPA's Motion for Accelerated Decision, Motion to Withdraw, and Motion to Reschedule Hearing, dated July 2, 2004, at 6-7.