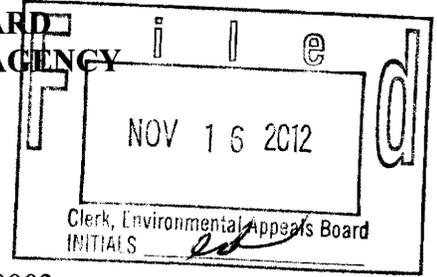


BEFORE THE ENVIRONMENTAL APPEALS BOARD
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, DC



)
In re:)
)
American Investment &)
Management Co.)
)
_____)

Docket No. TSCA-HQ-2002-0003

ORDER GRANTING MOTION TO TERMINATE CONSENT AGREEMENT

The above-captioned matter was initiated pursuant to the U.S. Environmental Protection Agency's ("EPA's") Incentives for Self-Policing: Discovery, Disclosure, Correction and Prevention of Violations, 60 Fed. Reg. 66,706 (Dec. 22, 1995) ("Audit Policy"), updated by 65 Fed. Reg. 19,617 (Apr. 11, 2000). Pursuant to the Audit Policy, Apartment Investment & Management Co. ("AIMCO") proposed auditing certain properties to determine compliance with the Residential Lead-Based Paint Hazard Reduction Act of 1992, 42 U.S.C. §§ 4851, *et seq.* The U.S. Department of Housing and Urban Development ("HUD"), the U.S. Environmental Protection Agency ("EPA"), and AIMCO agreed to commence and conclude this matter through execution of a consent agreement ("Consent Agreement"), which the Board entered through a final order ("Final Order") on January 15, 2002. Motion at 1. The Board incorporated the Consent Agreement into the Final Order and directed AIMCO to "comply with all of the terms of the Consent Agreement." Motion, Ex. A (Final Order).

By motion dated October 19, 2012, AIMCO seeks to terminate the Consent Agreement, which provides that "AIMCO's obligations under the Consent Agreement shall terminate when it has performed all of the terms of the Consent Agreement." Motion, Ex. A (Consent Agreement

¶ 93). In support of its motion, AIMCO states that it has “fully and faithfully implemented, performed and maintained compliance with all obligations and terms of the Consent Agreement and the lead-based paint regulations and has developed, implemented, and continues to maintain sophisticated recordkeeping and training protocols for lead-based paint management and disclosure.” Motion ¶ 6. AIMCO adds that its “full and faithful compliance with the lead-based paint regulations and the obligations of the Consent Agreement is reflected in the lack of reportable activity contained in the two most recent annual reports submitted to EPA and HUD pursuant to Section K, Paragraph 77 of the Consent Agreement” and that “[t]he operation of the Consent Agreement is no longer necessary and its continued existence does not provide any public benefit.” *Id.* ¶¶ 7-8. Finally, AIMCO indicated in a Statement of Meet and Confer dated November 8, 2012, that EPA and HUD did not oppose the motion. *See also* EPA Notice of Non-Opposition (Nov. 15, 2012).

For good cause shown, AIMCO’s motion is GRANTED. The Board ORDERS that the Consent Agreement be terminated.

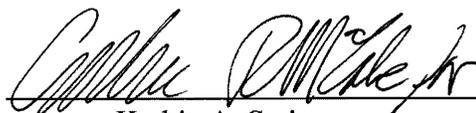
So ordered.

Dated:

NOV 16 2012

ENVIRONMENTAL APPEALS BOARD¹

By:



Kathie A. Stein

Environmental Appeals Judge

¹ The panel deciding this matter consists of Environmental Appeals Judges Catherine R. McCabe and Kathie A. Stein. *See* 40 C.F.R. § 1.25(e)(1).

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing **Order Granting Motion to Terminate Consent Agreement** in *In re Apartment Investment & Management Co.*, TSCA HQ-2002-0003, were sent to the following persons in the manner indicated:

By U.S. First Class Mail, Return Receipt Requested:

Raymond B. Ludwiszewski
Daniel E. Schmitt
Gibson, Dunn & Crutcher LLP
1050 Connecticut Avenue, NW
Washington, DC 20036

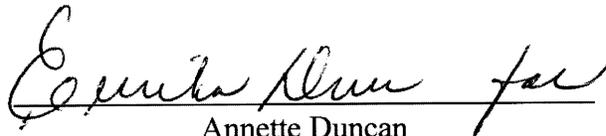
Matthew Ammon
U.S. Department of Housing & Urban Development
Office of Healthy Homes & Lead Hazard Control
451 7th Street, S.W.
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By EPA Interoffice Mail:

Mr. Brian T. Dyer
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Toxics and Pesticides Enforcement Division (2245A)
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Date: **NOV 16 2012**


Annette Duncan
Secretary