



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

Mr. Clarence Hazel
2807 Landon Drive
Wilmington, DE 19810

RE: Toxic Substances Control Act
Administrative Complaint,
and Notice of Opportunity for Hearing
In the Matter of Clarence Hazel
Docket No. TSCA-03-2012-0015

REGIONAL HEARING CLERK
EPA REGION III, PHILA. PA

2012 MAR 15 AM 10:05

RECEIVED

Dear Mr. Hazel:

Enclosed, please find an Administrative Complaint and Notice of Opportunity for Hearing ("Complaint") concerning alleged violations of Section 409 of Toxic Substances Control Act, 15 U.S.C. § 2689, the Residential Lead-Based Paint Hazard Reduction Act of 1992 ("RLBPHRA"), 42 U.S.C. §§ 4851 et seq., and the federal regulations promulgated thereunder, set forth in 40 C.F.R. Part 745, Subpart F (also known as the "Disclosure Rule"), in relation to certain written residential lease agreements and written sale agreements for properties located in Wilmington, Delaware ("Target Housing").

The Complaint should be read and analyzed carefully to determine the alternatives available to you in responding to the alleged violations.

You must file an Answer to this Complaint within thirty (30) days of its receipt. The Answer must specifically respond to each of the allegations in the Complaint. Failure to respond to this Complaint by specific Answer within thirty (30) days of your receipt of this document will constitute an admission of the allegations made in the Complaint. Failure to answer may result in the filing of a Motion for a Default Order and the possible issuance of a Default Order imposing the penalty proposed in the Complaint without further proceedings.

In your Answer, you may choose to request a hearing to contest any matter set forth in the Complaint. Whether or not a hearing is requested, you may request an informal settlement conference to discuss resolution of this case in your Answer or you may contact Mr. Gregory J. Smith, the attorney assigned to this case, at (215) 814-2668.

EPA has determined that your company may be considered a "small business" under the Small Business Regulatory Enforcement and Fairness Act (SBREFA). Please see the "Information Sheet for Small Business Resources" enclosed with this letter. This enclosure provides information on contacting the SBREFA Ombudsman to comment on federal



enforcement and compliance activities and also provides information on compliance assistance. As noted in the enclosure, any decision to participate in such program or to seek compliance assistance does not relieve you of your obligation to respond in a timely manner to an EPA request or other enforcement action, create any new rights or defenses under law, and will not affect EPA's decision to pursue this enforcement action. To preserve your legal rights, you must comply with all rules governing the administrative enforcement process. The Ombudsman and fairness boards do not participate in the resolution of EPA's enforcement action.

In addition, your company may be required to disclose to the Securities and Exchange Commission ("SEC") the existence of certain administrative or judicial proceedings taken against your company under Federal, State or local environmental laws. Please see the attached "Notice of Securities and Exchange Commission Registrants - Duty to Disclose Environmental Legal Proceedings" for more information about this requirement and to aid you in determining whether your company is subject to it.

Please have your counsel call Gregory J. Smith, Senior Assistant Regional Counsel, at (215) 814-2668 to request a settlement conference regarding this matter.

Sincerely,



Abraham Ferdas, Director
Land and Chemicals Division

Enclosures

cc: Craig Yussen (3LC61)



ENVIRONMENTAL PROTECTION AGENCY
REGION III

RECEIVED
2012 MAR 15 AM 10:04
REGIONAL HEARING CLERK
EPA REGION III, PHILA. PA

In the Matter of:

CLARENCE HAZEL,
2807 Landon Drive
Wilmington, DE 19810
Respondent.

:
:
:
:
:
:

Docket No. TSCA-03-2012-0015

ADMINISTRATIVE COMPLAINT AND NOTICE OF OPPORTUNITY
FOR A HEARING ISSUED PURSUANT TO SECTION 16(a) OF THE
TOXIC SUBSTANCES CONTROL ACT ("TSCA"), 15 U.S.C. § 2615(a)

This Administrative Complaint and Notice of Opportunity for a Hearing ("Complaint") is issued pursuant to the authority vested in the Administrator of the United States Environmental Protection Agency ("EPA" or the "Agency") by Section 16(a) of the Toxic Substances Control Act ("TSCA"), 15 U.S.C. § 2615(a), the federal regulations set forth at 40 C.F.R. Part 745, Subpart F, and the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits, 40 C.F.R. Part 22 ("Consolidated Rules of Practice"). The Administrator has delegated this authority, under TSCA, to the Regional Administrators, and this authority has been further delegated in U.S. EPA Region III to, *inter alia*, the Director, Land and Chemicals Division ("Complainant"), pursuant to Notice R-08-01, dated July 21, 2008, and as further explained in EPA Region III Delegation No. 12-2-A, dated August 26, 2002.

The Respondent in this action is Clarence Hazel ("Respondent"). By issuing this Complaint, Complainant alleges violations by Respondent, as owner and lessor of certain housing, of Section 409 of TSCA, 15 U.S.C. § 2689, the Residential Lead-Based Paint Hazard Reduction Act of 1992 ("RLBPHRA"), 42 U.S.C. §§ 4851 *et seq.*, and the federal regulations promulgated thereunder, set forth in 40 C.F.R. Part 745, Subpart F (also known as the "Disclosure Rule"), in relation to four lease agreements associated with four different target housing units, described more fully in Paragraphs 11 through 24 of this Complaint.

Failure to comply with RLBPHRA Section 1018, 42 U.S.C. § 4852d, or with any rule or regulation issued thereunder, including, but not limited to, 40 C.F.R. Part 745, Subpart F, constitutes a violation of TSCA Section 409, 15 U.S.C. § 2689. Pursuant to TSCA Section 16, 15 U.S.C. § 2615, violations of TSCA Section 409, 15 U.S.C. § 2689, are subject to the

assessment of civil and/or criminal penalties.

In support of its Complaint, Complainant alleges the following:

I. JURISDICTION

1. EPA and the Office of Administrative Law Judges have jurisdiction over the above-captioned matter pursuant to Sections 16 and 409 of TSCA, 15 U.S.C. §§ 2615 and 2689; Section 1018 of RLBPHRA, 42 U.S.C. §4852d; 40 C.F.R. Part 745, Subpart F; and 40 C.F.R. §§ 22.1(a)(5) and 22.4.

II. DEFINITIONS AND REGULATORY REQUIREMENTS

2. Pursuant to 40 C.F.R. § 745.103, the term “Lessor” means, in pertinent part, “any entity that offers target housing for lease, rent, or sublease, including but not limited to individuals, partnerships, corporations, trusts, government agencies, housing agencies, Indian tribes, and nonprofit organizations.”
3. Pursuant to 40 C.F.R. § 745.103, the term “lead-based paint” means, “paint or other surface coatings that contain lead equal to or in excess of 1.0 milligram per square centimeter [mg/cm²] or 0.5 percent by weight.”
4. Pursuant to 40 C.F.R. § 745.103, the term “lead-based paint hazard” means “any condition that causes exposure to lead from lead-contaminated dust, lead-contaminated soil, or lead-contaminated paint that is deteriorated or present in accessible surfaces, friction surfaces, or impact surfaces that would result in adverse human health effects as established by the appropriate Federal agency.”
5. Pursuant to 40 C.F.R. § 745.103, the term “Lessee” means “an entity that enters into an agreement to lease, rent, or sublease target housing, including, but not limited to individuals, partnerships, corporations, trusts, government agencies, housing agencies, Indian tribes, and nonprofit organizations.”
6. Pursuant to RLBPHRA Section 1004(23), 42 U.S.C. § 4851b(23), TSCA Section 401(14), 15 U.S.C. § 2681(14), and 40 C.F.R. § 745.103, the term “residential dwelling” means: “(1) A single-family dwelling, including attached structures such as porches and stoops; or (2) A single-family dwelling unit in a structure that contains more than one separate residential dwelling unit, and in which each such unit is used or occupied, or intended to be used or occupied, in whole or in part, as the residence of one or more persons.”

7. Pursuant to RLBPHRA Section 1004(24), 42 U.S.C. § 4851b(24), and TSCA Section 401(15), 15 U.S.C. § 2681(15), the term “residential real property” means “real property on which there is situated 1 or more residential dwellings used or occupied, or intended to be used or occupied, in whole or in part, as the home or residence of 1 or more persons.”
8. Pursuant to RLBPHRA Section 1004(27), 42 U.S.C. § 4851b(27), TSCA Section 401(17), 15 U.S.C. § 2681(17), and 40 C.F.R. § 745.103, the term “target housing” means “any housing constructed prior to 1978, except housing for the elderly or persons with disabilities (unless any child who is less than 6 years of age resides or is expected to reside in such housing) or any 0-bedroom dwelling.”
9. 40 C.F.R. § 745.113(b) provides in relevant part that each contract to lease target housing shall include as an attachment or within the contract, certain elements, in the language of the contract (e.g., English, Spanish) as specified in 40 CFR § 745.113(b)(1)-(6).
10. 40 C.F.R. § 745.118(e) provides, in pertinent part, that: “[f]ailure or refusal to comply with... § 745.1113 (certification and acknowledgement of disclosure)... is a violation of 42 U.S.C. 4852d(b)(5) and of TSCA Section 409 (15 U.S.C. 2689).”

III. FINDINGS OF FACT AND CONCLUSIONS OF LAW

11. At all times relevant to the violations set forth in this Complaint, Respondent was an “owner” and “lessor”, as those terms are defined in 40 C.F.R. § 745.103, of the properties described below.

Reference Number	Counts	Rental Property Address	Date of Lease
1	1 & 5	211 Waverly Road, Wilmington, DE 19803	05/28/2007
2	2 & 6	310 Potomac Road, Wilmington, DE 19803	12/09/2007
3	3 & 7	1508-1 North Van Buren Street, Wilmington, DE 19806	09/10/2008
4	4 & 8	1508-2 North Van Buren Street, Wilmington, DE 19806	05/19/2009

12. Each of the "Four Target Housing Properties" consisted of real property on which there was situated one building used as the home or residence for one or more persons.
13. At all times relevant to the violations alleged herein, the building situated on the real property located at each of the "Four Target Housing Properties" was housing constructed prior to 1978.
14. At all times relevant to the violations alleged herein, the building situated on the real property located each of the "Four Target Housing Properties" consisted of housing and was not housing for the elderly or persons with disabilities and was not a 0-bedroom dwelling as provided in 40 C.F.R. § 745.103.
15. At all times relevant to the violations alleged herein, the building situated on the real property located at each of the "Four Target Housing Properties" contained a "residential dwelling" and was "target housing" within the meaning of RLBPHRA Section 1004(23) and (27), 42 U.S.C. § 4851b(23) and (27), TSCA Section 401(14) and (17), 15 U.S.C. § 2681(14) and (17), and 40 C.F.R. § 745.103.

COUNTS 1 THROUGH 4

16. The allegations of Paragraphs 1 through 15 of this Complaint are incorporated herein by reference.
17. 40 C.F.R. § 745.113(b)(2) provides, in relevant part, that each contract to lease target housing shall include, as an attachment or within the contract: [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. The lessor shall also provide any additional information available concerning the known lead-based paint and/or lead-based paint hazards, such as the basis for the determination that lead-based paint and/or lead-based paint hazards exist, the location of the lead-based paint and/or lead-based paint hazards and the condition of the painted surfaces. (These alternative statements and disclosures shall hereinafter be collectively referred to as the "Disclosure Statement.")
18. The contracts for the lease of the properties listed in paragraph 11 of this Complaint did not include, as an attachment or within the lease contract, the Disclosure Statement required by 40 C.F.R. § 745.113(b)(2).
19. Pursuant to 40 C.F.R. § 745.118(e), Respondent's failure to include as an attachment or within the lease contracts for the properties listed in paragraph 11 of this Complaint the

Disclosure Statement required by 40 C.F.R. § 745.113(b)(2) constitutes four separate violations of RLBPHRA Section 1018(b)(5), 42 U.S.C. § 4852d(b)(5), and TSCA Section 409, 15 U.S.C. § 2689.

COUNTS 5 THROUGH 8

20. The allegations of Paragraphs 1 through 19 of this Complaint are incorporated herein by reference.
21. 40 C.F.R. § 745.113(b)(4) provides, in relevant part, that each contract to lease target housing shall include as an attachment or within the contract, “a statement by the lessee affirming receipt of the information set out in paragraphs (b)(2) and (b)(3) of this section and the lead hazard information pamphlet required under 15 U.S.C. 2696” (hereinafter referred to as the “Receipt of Information Statement”).
22. The contracts for the lease of the properties listed in paragraph 11 of this Complaint, did not include, as an attachment or within the lease contract, the Receipt of Information Statement required by 40 C.F.R. § 745.113(b)(4).
23. Respondent’s failure to include as an attachment or within the lease contracts for the properties listed in paragraph 11 of this Complaint the Receipt of Information Statement required by 40 C.F.R. § 745.113(b)(4), constitutes four separate violations of RLBPHRA Section 1018(b)(5), 42 U.S.C. § 4852d(b)(5), and TSCA Section 409, 15 U.S.C. § 2689.

IV. CIVIL PENALTY

24. Section 1018 of the Residential Lead-Based Paint Hazard Reduction Act of 1992, 42 U.S.C. § 4852d, and 40 C.F.R. § 745.118(f) authorize the assessment of a civil penalty under Section 16 of TSCA, 15 U.S.C. § 2615, in the maximum amount of \$10,000 for each violation of Section 409 of TSCA, 15 U.S.C. § 2689. This amount has been adjusted under the Civil Monetary Penalty Inflation Adjustment Rule, 40 C.F.R. Part 19, which increases the maximum civil penalties which can be assessed for violations of the Residential Lead-Based Paint Hazard Reduction Act under TSCA to \$11,000 per violation for violations occurring after July 28, 1997, and \$16,000 per violation for violations occurring after January 12, 2009.
25. For purposes of determining the amount of any civil penalty to be assessed, Section 16 of TSCA, 15 U.S.C. § 2615, requires EPA to take into account the nature, circumstances, extent, and gravity of the violation or violations alleged and, with respect to the violator,

ability to pay, effect on ability to continue to do business, any history of prior such violations, the degree of culpability, and such other matters as justice may require (“statutory factors”). In developing a proposed penalty, Complainant will take into account the particular facts and circumstances of this case with specific reference to the statutory factors set forth in Section 16 of TSCA and EPA’s *Section 1018 Disclosure Rule Enforcement Response and Penalty Policy (“ERP”)*, dated December 2007. The ERP provides a rational, consistent, and equitable calculation methodology for applying the statutory factors enumerated above to particular cases.

26. Pursuant to 40 C.F.R. § 22.14(a)(4)(ii), Complainant is not proposing a specific penalty at this time, but will do so at a later date after an exchange of information has occurred. See 40 C.F.R. § 22.19(a)(4). As a basis for calculating a specific penalty pursuant to 40 C.F.R. § 22.19(a)(4), Complainant will consider, among other factors, facts and circumstances unknown to Complainant at the time of issuance of the Complaint that become known after the Complaint is issued.
27. The penalty to be proposed does not constitute a “demand” as that term is defined in the Equal Access to Justice Act, 28 U.S.C. § 2412. Given the facts alleged in this Complaint and the statutory factors enumerated above, as known to Complainant at this time, Complainant proposes the assessment of a civil penalty of up to \$11,000 against Respondent for each violation alleged in counts 1-3 and 5-7 of this Complaint and up to \$16,000 against the Respondent for each violation alleged in counts 4 and 8 of this Complaint. Pursuant to 40 C.F.R. § 22.14(a)(4)(ii), an explanation of the number and severity of violations is as follows:

Penalty Calculation Explanation

Circumstance Levels:

- a) 40 C.F.R. § 745.113(b)(2) violations: Violations of the disclosure requirements set forth at 40 C.F.R. § 745.113(b)(2) are deemed to represent a “medium” level of impairment to a lessor’s ability to assess the information required to be disclosed and are characterized as Circumstance Level 3 violations in the ERP. As a result, each of the violations alleged in Counts 1 - 4 of this Complaint may be characterized as Circumstance Level 3 violations for purposes of calculating an appropriate penalty.
- b) 40 C.F.R. § 745.113(b)(4) violations: Violations of the disclosure requirements set forth at 40 C.F.R. § 745.113(b)(4) are deemed to represent a “medium” level of impairment to a lessor’s ability to assess the information required to be disclosed and are characterized as Circumstance Level 4 violations in the ERP.

As a result, each of the violations alleged in Counts 5 - 6 of this Complaint may be characterized as Circumstance Level 4 violations for purposes of calculating an appropriate penalty.

Extent Levels:

- a) **Minor Violations:** Defined as “[p]otential for a ‘lesser’ amount of damage to human health or the environment.” Failure to provide lead-based paint disclosures and/or certifications to lessees where no children or pregnant women live in the target housing is considered a “Minor Extent” violation under the ERP. Respondent failed to provide disclosures and/or certifications in 3 different Lease Transactions (Reference Numbers 2-4) to lessees where no children or pregnant women were present. Accordingly, all of the violations associated with those 3 Lease Transactions, for a total of 6 violations are “Minor Extent” violations.
- b) **Major Violations:** Defined as “[p]otential for a ‘lesser’ amount of damage to human health or the environment.” Failure to provide lead-based paint disclosures and/or certifications to lessees where children under 6 years of age or pregnant women live in the target housing is considered a “Major Extent” violation under the ERP. Respondent failed to provide disclosures and/or certifications in 1 Lease Transaction (Reference Number 1) to lessees where children under 6 years of age or pregnant women were present. Accordingly, both of the violations associated with that Lease Transaction, for a total of 2 violations, are “Major Extent” violations.

In addition, EPA will consider, among other factors, Respondent’s ability to pay to adjust the proposed civil penalty assessed in this Complaint. With respect to Respondent’s ability to pay the proposed penalty, it is Respondent’s responsibility to provide to Complainant financial information to support and establish any claim by Respondent of an inability to pay the proposed penalty. To the extent that facts or circumstances, including, but not limited to, additional information concerning Respondent’s ability to pay the proposed penalty that were unknown to Complainant at the time of the issuance of the Complaint become known to Complainant after issuance of the Complaint, such facts and circumstances may be considered as a basis for adjusting the civil penalty proposed in this Complaint.

QUICK RESOLUTION

- 28. In accordance with the Consolidated Rules of Practice at 40 C.F.R. § 22.14(a)(4)(ii), EPA has not demanded a specific penalty in this Complaint. Complainant will file in this

proceeding a document specifying a proposed penalty within fifteen (15) days after Respondent files its prehearing information exchange as provided in the Consolidated Rules of Practice at 40 C.F.R. § 22.19(a)(4). Thereafter, in accordance with the Consolidated Rules of Practice, 40 C.F.R. §22.18(a), Respondent may resolve this proceeding at any time by paying the specific penalty which will be proposed in Complainant's prehearing exchange, in full, as specified below and filing with the Regional Hearing Clerk a copy of the check or other instrument of payment. Payment of the full penalty in accordance with this paragraph shall be made by mailing a certified or cashier's check or by electronic funds transfer ("EFT"), payable to the "**Treasurer, United States of America,**" to the address shown below:

- a. All payments by Respondent shall reference his name and address, and the Docket Number of this action, *i.e.*, TSCA-03-2012-0015;
- b. All checks shall be made payable to "**United States Treasury**";
- c. All payments made by check and sent by regular mail shall be addressed and mailed to:

U.S. Environmental Protection Agency
Fines and Penalties
Cincinnati Finance Center
P.O. Box 979077
St. Louis, MO 63197-9000

Contact: Eric Volck 513-487-2105

- d. All payments made by check and sent by overnight delivery service shall be addressed and mailed to:

U.S. Bank
Government Lockbox 979077
U.S. EPA, Fines & Penalties
1005 Convention Plaza
Mail Station SL-MO-C2-GL
St. Louis, MO 63101

Contact: 314-418-1028

- e. All payments made by check in any currency drawn on banks with no USA branches shall be addressed for delivery to:

Cincinnati Finance
U.S. EPA, MS-NWD
26 W. M.L. King Drive
Cincinnati, OH 45268-0001

- f. All payments made by electronic wire transfer shall be directed to:

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"

- g. All electronic payments made through the automated clearinghouse (ACH), also known as Remittance Express (REX), shall be directed to:

US Treasury REX / Cashlink ACH Receiver
ABA = 051036706
Account No.: 310006, Environmental Protection Agency
CTX Format Transaction Code 22 - Checking

Physical location of U.S. Treasury facility:

5700 Rivertech Court
Riverdale, MD 20737

Contact: Jesse White 301-887-6548 or REX, 1-866-234-5681

- h. On-Line Payment Option:

WWW.PAY.GOV/PAYGOV

Enter sfo 1.1 in the search field. Open and complete the form.

- i. Additional payment guidance is available at:

http://www.epa.gov/ocfo/finservices/make_a_payment.htm

- j. Copies of all checks and/or copies of all electronic fund transfers made in payment of the penalty shall be sent simultaneously to:

Gregory J. Smith
Senior Assistant Regional Counsel
U.S. Environmental Protection Agency
Region III (Mail Code 3RC00)
1650 Arch Street
Philadelphia, PA 19103-2029

and

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

Upon receipt of payment in full in accordance with Section 22.18(a)(3) of the Consolidated Rules of Practice, the Regional Administrator, or his designee, shall issue a Final Order to the settling Respondent. Payment by Respondent shall constitute a waiver of Respondent's right to contest the allegations in the Complaint and to appeal the Final Order.

NOTICE AND OPPORTUNITY TO REQUEST A HEARING

29. Respondent has the right to request a hearing to contest any matter of law or material fact set forth in this Complaint or the appropriateness of the proposed penalty. To request a hearing, a Respondent must file a written Answer to the Complaint, within thirty (30) days of receipt of this Complaint, with:

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

The Answer should clearly and directly admit, deny, or explain each of the factual allegations contained in this Complaint of which the Respondent has any knowledge. Where Respondent has no knowledge of the facts contained in an allegation, the Answer should so state. The Answer should contain: (1) the circumstances or arguments which are alleged to constitute the grounds of any defense; (2) the facts which the Respondent disputes; (3) the basis for opposing any proposed relief; and (4) a statement of whether a hearing is requested. All material facts not denied in the Answer will be considered admitted.

If Respondent fails to file a written Answer within thirty (30) days of receipt of this Complaint, such failure shall constitute an admission of all facts alleged in this Complaint and a waiver of Respondent's right to a hearing on such factual allegations. Failure to file a written Answer may result in the filing of a Motion for Default Order and the possible issuance of a Default Order imposing the penalties proposed herein without further proceedings.

Any hearing requested by Respondent will be held at a location to be determined at a later date pursuant to the Consolidated Rules of Practice at § 22.21(d). The hearing will be conducted in accordance with the provisions of the Consolidated Rules of Practice.

A copy of Respondent's Answer and all other documents that Respondent files in this action should be sent to the attorney assigned to represent Complainant in this case, Gregory J. Smith, Senior Assistant Regional Counsel, at:

Office of Regional Counsel (3RC00)
U.S. EPA Region III
1650 Arch Street
Philadelphia, PA 19103-2029

SETTLEMENT CONFERENCE

30. Complainant encourages settlement of this proceeding at any time after issuance of the Complaint if such settlement is consistent with the provisions and objectives of TSCA and the RLBPHRA. Whether or not a hearing is requested Respondent may request a settlement conference with the Complainant to discuss the allegations of the Complaint, and the amount of the proposed civil penalty. **However, a request for a settlement conference does not relieve Respondent of his responsibility to file a timely Answer to the Complaint.**

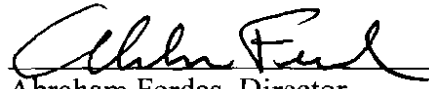
In the event settlement is reached, its terms shall be expressed in a written Consent Agreement prepared by Complainant, signed by the parties, and incorporated into a Final Order signed by the Regional Administrator or his designee. The execution of such a Consent Agreement shall constitute a waiver of Respondent's right to contest the allegations of the Complaint or to appeal the Final Order accompanying the Consent Agreement.

If Respondent wishes to arrange a settlement conference, Respondent or Respondent's legal counsel should contact Mr. Smith at (215) 814-2668 prior to the expiration of the thirty (30) day period following the receipt of this Complaint. Once again, however, such a request for a settlement conference does not relieve Respondent of its responsibility to file an Answer within thirty (30) days following Respondent's receipt of this Complaint.

SEPARATION OF FUNCTIONS AND EX PARTE COMMUNICATIONS

31. The following Agency offices, and the staffs thereof, are designated as the trial staff to represent the Agency as a party in this case: the Region III Office of Regional Counsel, the Region III Land and Chemicals Division, the Office of the EPA Assistant Administrator for Pesticides and Toxic Substances, and the EPA Assistant Administrator for Enforcement and Compliance Assurance. Commencing from the date of the issuance of this Complaint until issuance of a final Agency decision in this case, neither the Administrator, members of the Environmental Appeals Board, Presiding Officer, Regional Administrator, nor the Regional Judicial Officer, may have an *ex parte* (unilateral) communication with the trial staff on the merits of any issue involved in this proceeding. Please be advised that the Consolidated Rules of Practice prohibit any *ex parte* discussion of the merits of a case between either party to this proceeding and the Administrator, members of the Environmental Appeals Board, Presiding Officer, Judicial Officer, Regional Administrator, Regional Judicial Officer, Administrative Law Judge, or any person likely to advise these officials in the decision of the case, after the Complaint is issued.

3/12/12
Date


Abraham Ferdas, Director
Land and Chemicals Division

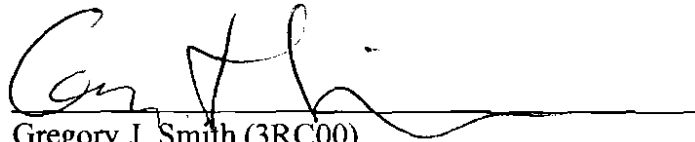
CERTIFICATE OF SERVICE

I hereby certify that the original and one copy of the foregoing Complaint and Notice of Opportunity for Hearing ("Complaint"), Docket No. TSCA-03-2012-0015, has been filed with the EPA Region III Regional Hearing Clerk, and that a copy of the Complaint were sent via Federal Express to:

Respondent

Clarence Hazel
2807 Landon Dr.
Wilmington, DE 19810

3/15/12
Date


Gregory J. Smith (3RC00)
Senior Assistant Regional Counsel
U.S. Environmental Protection Agency, Region III
(215) 814-2668

U.S. EPA Small Business Resources Information Sheet

The United States Environmental Protection Agency provides an array of resources, including workshops, training sessions, hotlines, websites and guides, to help small businesses understand and comply with federal and state environmental laws. In addition to helping small businesses understand their environmental obligations and improve compliance, these resources will also help such businesses find cost-effective ways to comply through pollution prevention techniques and innovative technologies.

EPA's Small Business Websites

Small Business Environmental Homepage - www.smallbiz-enviroweb.org

Small Business Gateway - www.epa.gov/smallbusiness

EPA's Small Business Ombudsman - www.epa.gov/sbo or 1-800-368-5888

EPA's Compliance Assistance Homepage

[www.epa.gov/compliance/assistance/
business.html](http://www.epa.gov/compliance/assistance/business.html)

This page is a gateway to industry and statute-specific environmental resources, from extensive web-based information to hotlines and compliance assistance specialists.

EPA's Compliance Assistance Centers

www.assistancecenters.net

EPA's Compliance Assistance Centers provide information targeted to industries with many small businesses. They were developed in partnership with industry, universities and other federal and state agencies.

Agriculture

www.epa.gov/agriculture/

Automotive Recycling

www.ecarcenter.org

Automotive Service and Repair

www.ccar-greenlink.org or 1-888-GRN-LINK

Chemical Manufacturing

www.chemalliance.org

Construction

www.cicacenter.org or 1-734-995-4911

Education

www.campuserc.org

Food Processing

www.fpeac.org

Healthcare

www.hercenter.org

Local Government

www.lgean.org

Metal Finishing

www.nmfrc.org

Paints and Coatings

www.paintcenter.org

Printed Wiring Board Manufacturing

www.pwbrc.org

Printing

www.pneac.org

Ports

www.portcompliance.org

U.S. Border Compliance and Import/Export Issues

www.bordercenter.org

Hotlines, Helplines and Clearinghouses

www.epa.gov/epahome/hotline.htm

EPA sponsors many free hotlines and clearinghouses that provide convenient assistance regarding environmental requirements. Some examples are:

Antimicrobial Information Hotline

info-antimicrobial@epa.gov or
1-703-308-6411

Clean Air Technology Center (CATC) Info-line

www.epa.gov/ttn/catc or 1-919-541-0800

Emergency Planning and Community Right-To-Know Act

[www.epa.gov/superfund/resources/
infocenter/epera.htm](http://www.epa.gov/superfund/resources/infocenter/epera.htm) or 1-800-424-9346

EPA Imported Vehicles and Engines Public Helpline

www.epa.gov/otaq/imports or
734-214-4100

National Pesticide Information Center

www.npic.orst.edu/ or 1-800-858-7378

National Response Center Hotline -

to report oil and hazardous substance spills
www.nrc.uscg.mil or 1-800-424-8802

Pollution Prevention Information Clearinghouse (PPIC)

www.epa.gov/opptintr/ppic or
1-202-566-0799

Safe Drinking Water Hotline

[www.epa.gov/safewater/hotline/index.
html](http://www.epa.gov/safewater/hotline/index.html) or 1-800-426-4791

Stratospheric Ozone Protection Hotline

www.epa.gov/ozone or 1-800-296-1996

NOTICE OF SECURITIES AND EXCHANGE COMMISSION REGISTRANTS' DUTY TO DISCLOSE ENVIRONMENTAL LEGAL PROCEEDINGS

Securities and Exchange Commission regulations require companies registered with the SEC (e.g., publicly traded companies) to disclose, on at least a quarterly basis, the existence of certain administrative or judicial proceedings taken against them arising under Federal, State or local provisions that have the primary purpose of protecting the environment. Instruction 5 to Item 103 of the SEC's Regulation S-K (17 CFR 229.103) requires disclosure of these environmental legal proceedings. For those SEC registrants that use the SEC's "small business issuer" reporting system, Instructions 1-4 to Item 103 of the SEC's Regulation S-B (17 CFR 228.103) requires disclosure of these environmental legal proceedings.

If you are an SEC registrant, you have a duty to disclose the existence of pending or known to be contemplated environmental legal proceedings that meet any of the following criteria (17 CFR 229.103(5)(A)-(C)):

- A. Such proceeding is material to the business or financial condition of the registrant;
- B. Such proceeding involves primarily a claim for damages, or involves potential monetary sanctions, capital expenditures, deferred charges or charges to income and the amount involved, exclusive of interest and costs, exceeds 10 percent of the current assets of the registrant and its subsidiaries on a consolidated basis; or
- C. A governmental authority is a party to such proceeding and such proceeding involves potential monetary sanctions, unless the registrant reasonably believes that such proceeding will result in no monetary sanctions, or in monetary sanctions, exclusive of interest and costs, of less than \$100,000; provided, however, that such proceedings which are similar in nature may be grouped and described generically.

Specific information regarding the environmental legal proceedings that must be disclosed is set forth in Item 103 of Regulation S-K or, for registrants using the "small business issuer" reporting system, Item 103(a)-(b) of Regulation S-B. If disclosure is required, it must briefly describe the proceeding, "including the name of the court or agency in which the proceedings are pending, the date instituted, the principal parties thereto, a description of the factual basis alleged to underlie the proceedings and the relief sought."

You have been identified as a party to an environmental legal proceeding to which the United States government is, or was, a party. If you are an SEC registrant, this environmental legal proceeding may trigger, or may already have triggered, the disclosure obligation under the SEC regulations described above.

This notice is being provided to inform you of SEC registrants' duty to disclose any relevant environmental legal proceedings to the SEC. This notice does not create, modify or interpret any existing legal obligations, it is not intended to be an exhaustive description of the legally applicable requirements and it is not a substitute for regulations published in the Code of Federal Regulations. This notice has been issued to you for information purposes only. No determination of the applicability of this reporting requirement to your company has been made by any governmental entity. You should seek competent counsel in determining the applicability of these and other SEC requirements to the environmental legal proceeding at issue, as well as any other proceedings known to be contemplated by governmental authorities.

If you have any questions about the SEC's environmental disclosure requirements, please contact the SEC Office of the Special Senior Counsel for Disclosure Operations at (202) 551-3115.