



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 1
5 POST OFFICE SQUARE, SUITE 100
BOSTON, MA 02109-3912

August 9, 2012

RECEIVED
AUG 09 2012
EPA ORC WS
Office of Regional Hearing Clerk

Via Hand Delivery

Wanda I. Santiago
Regional Hearing Clerk
U.S. EPA, Region 1
5 Post Office Square – Suite 100
Mail Code: ORA18-1
Boston, MA 02109-3912

RE: *In the Matter of: Springfield Housing Authority*
Docket No. TSCA-01-2012-0078

Dear Ms. Santiago:

I enclose for filing in the above-referenced matter the original and one copy of the Complaint and a Certificate of Service.

Thank you for your assistance.

Sincerely,

William D. Chin
Enforcement Counsel
U.S. EPA, Region 1

Enclosures

cc: William H. Abrashkin
Priscilla Fifield Chesky, Esq.

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 1**

In the Matter of:)
)
Springfield Housing Authority)
25 Saab Court)
Springfield, Massachusetts 01104)
)
Respondent.)
)
Proceeding under Section 16(a) of the)
Toxic Substances Control Act,)
42 U.S.C. § 2615(a).)
_____)

Docket No.
TSCA-01-2012-0078

**COMPLAINT AND
NOTICE OF OPPORTUNITY
FOR HEARING**



I. STATEMENT OF AUTHORITY

1. This Administrative Complaint and Notice of Opportunity for Hearing (“Complaint”) is issued pursuant to Section 16(a) of the Toxic Substances Control Act (“TSCA”), 15 U.S.C. § 2615(a), 40 C.F.R. § 745.118, and the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties, Issuance of Compliance or Corrective Action Orders, and the Revocation, Termination or Suspension of Permits (“Consolidated Rules of Practice”), 40 C.F.R. Part 22. Complainant is the Enforcement Manager of the Office of Environmental Stewardship of the U.S. Environmental Protection Agency (“EPA”), Region 1.

II. NATURE OF THE ACTION

2. Respondent in this action, Springfield Housing Authority (“SHA”), is hereby notified of Complainant’s determination that Respondent has violated Section 409 of TSCA, 15 U.S.C. § 2689, the Residential Lead-Based Paint Hazard Reduction Act of 1992 (“the Act”), 42 U.S.C. § 4851 *et seq.*, and the federal regulations promulgated thereunder, entitled “Disclosure of Known Lead-Based Paint and/or Lead-Based Paint

Hazards Upon Sale or Lease of Residential Property,” as set forth at 40 C.F.R. Part 745, Subpart F. Complainant seeks civil penalties pursuant to Section 16 of TSCA, 15 U.S.C. § 2615, which provides that violations of Section 409 of TSCA are subject to the assessment by Complainant of civil and/or criminal penalties.

III. STATUTORY AND REGULATORY BACKGROUND

3. In 1992, Congress passed the Act in response to findings that low-level lead poisoning is widespread among American children, that pre-1980 American housing stock contains more than three million tons of lead in the form of lead-based paint, and that the ingestion of lead from deteriorated or abraded lead-based paint is the most common cause of lead poisoning in children. One of the stated purposes of the Act is to ensure that the existence of lead-based paint hazards is taken into account in the rental of homes and apartments.

4. In 1996, EPA promulgated regulations to implement the Act. These regulations are set forth at 40 C.F.R. Part 745, Subpart F (the “Disclosure Rule”).

5. Pursuant to Section 401(17) of TSCA, 15 U.S.C. § 2681(17), and 40 C.F.R. § 745.103, the housing stock addressed by the Act is termed “target housing.” Forty C.F.R. § 745.103, defines “target housing” as any housing constructed prior to 1978, except housing for the elderly or disabled, or any 0-bedroom dwelling.

6. Forty C.F.R. § 745.103 defines a “lessee” as any 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.

7. Forty C.F.R. § 745.103 defines a “lessor” as 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.

8. The Disclosure Rule requires that, prior to lessees becoming obligated to lease target housing, lessors of such housing must, among other things:

- a. Provide a lead hazard information pamphlet to lessees;
- b. Disclose and provide any records or reports available pertaining to known lead-based paint and/or lead-based paint hazards to lessees;
- c. Include a Lead Warning Statement either within a lease contract or in an attachment to lease contracts; and
- d. Include a statement by the lessor disclosing the presence of known lead-based paint or lead-based paint hazards in the target housing or indicating no knowledge thereof either within lease contracts or in attachments to lease contracts.

9. Pursuant to Section 1018(b)(5) of the Act, 42 U.S.C. § 4852d(b)(5), and 40 C.F.R. § 745.118(e), the failure to comply with the requirements of the Disclosure Rule is a violation of Section 409 of TSCA.

10. Section 16(a)(1) of TSCA, 15 U.S.C. § 2615(a)(1), provides that any person who violates a provision of Section 409 of TSCA shall be liable to the United States for a civil penalty.

11. Pursuant to Section 1018(b)(5) of the Act, 42 U.S.C. § 4852d(b)(5), and 40 C.F.R. § 745.118(e), the failure to comply with the requirements of the Disclosure Rule is a violation of Section 409 of TSCA.

12. Section 16(a)(1) of TSCA, 15 U.S.C. § 2615(a)(1), provides that any person who violates a provision of Section 409 of TSCA shall be liable to the United States for a civil penalty.

13. Section 1018(b)(5) of the Act and 40 C.F.R. § 745.118(f) provide that, for purposes of enforcing the Disclosure Rule under TSCA, the penalty for each violation shall be no more than \$10,000. Pursuant to the Debt Collection Act of 1996, 31 U.S.C. § 3701, and EPA's Civil Monetary Penalty Inflation Adjustment Rule, 40 C.F.R. Part 19, violations that occurred after March 15, 2004 through January 12, 2009, are subject to penalties up to \$11,000 per violation. Violations that occur on or after January 13, 2009, are subject to penalties up to \$16,000 per violation. [73 Fed. Reg. 75340, December 11, 2008]

IV. GENERAL ALLEGATIONS

14. Respondent is the third largest housing authority in Massachusetts with executive offices located at 25 Saab Court in Springfield, Massachusetts. Respondent currently manages a total of approximately 2,387 public housing units located at 27 sites throughout Springfield. Its \$33 million annual budget is derived from rental income as well as funding from the Massachusetts Department of Housing and Community Development ("DHCD") and the U.S. Department of Housing and Urban Development ("HUD").

15. Respondent offered for lease the following residential dwellings and was thus, the "lessor," as defined in 40 C.F.R. § 745.103, of the properties listed below. Each of these properties is located in Springfield, Massachusetts and was constructed prior to 1978.

| Address | Lease Date | #/Ages of Children Residing at Address |
|---------------------------|------------|--|
| 579 Bay St., #A | 01/10/2007 | 1 Unborn |
| 42 Edmund Wynne Cir. | 03/09/2007 | 2 under 6 years old |
| 42 Lionel Benoit Rd., #B | 07/12/2007 | 1 under 6 years old |
| 108 Lionel Benoit Rd., #B | 07/12/2007 | 1 under 6 years old |
| 62 Lionel Benoit Rd., #D | 09/10/2007 | 1 between 6 and 18 years old |
| 72 Lionel Benoit Rd., #C | 03/02/2007 | 1 between 6 and 18 years old |
| 611 Bay St. | 04/02/2007 | 1 under 6 years old |
| 96 Lionel Benoit Rd., #B | 08/03/2007 | 1 under 6 years old |
| 517 Goodwin St. | 03/09/2007 | 2 under 6 years old |
| 105 Layzon Brothers Rd. | 07/18/2007 | None |
| 9 Arthur Picard Cir. | 02/09/2007 | 1 between 6 and 18 years old |
| 471 Goodwin St. | 08/17/2007 | 1 under 6 years old |
| 5 Layzon Brothers Rd. | 05/15/2007 | 2 under 6 years old |
| 15 Layzon Brothers Rd. | 05/14/2007 | 2 under 6 years old |
| 77 Layzon Brothers Rd. | 02/09/2007 | None |
| 88 Layzon Brothers Rd. | 06/18/2007 | 1 under 6 years old |
| 372 Berkshire Ave. | 06/01/2007 | 1 under 6 years old |
| 34 Robert Dyer Cir. | 06/26/2007 | 2 between 6 and 18 years old |
| 57 Robert Dyer Cir. | 02/01/2007 | 2 under 6 years old |
| 15 Lionel Benoit Rd. | 07/07/2009 | Unknown |
| 103 Robert Dyer Cir. | 06/26/2009 | 2 between 6 and 18 years old |

16. At all times relevant to this Complaint, all of the properties listed above in Paragraph 15 were “target housing,” as defined in 40 C.F.R. § 745.103, and did not fall within any of the exceptions to the Disclosure Rule.

17. On September 24, 2007, EPA Region 1 conducted a compliance inspection at Respondent’s offices to evaluate Respondent’s compliance with the Disclosure Rule (“September 2007 Inspection”).

18. On September 26, 2007 and October 3, 2007, EPA Region 1 returned to Respondent's offices to pick up certain records that had been requested during the September 2007 Inspection.

19. On October 14, 2009, EPA Region 1 conducted another compliance inspection at Respondent's offices to evaluate Respondent's compliance with the Disclosure Rule ("October 2009 Inspection").

20. In early 2012, Complainant (via the U.S. Department of Justice) and Respondent entered into a tolling agreement which tolled the running of the statute of limitations in this matter from January 1, 2012 through July 31, 2012.

21. Based on the September 2007 and October 2009 inspections as well as other information and documents obtained from Respondent and other sources, Complainant has identified the following violations of the Act and the Disclosure Rule:

V. VIOLATIONS

Count 1 - Failure to Provide Lead Hazard Information Pamphlet

22. Paragraphs 1 through 21 above are incorporated by reference as if fully set forth herein.

23. Pursuant to 40 C.F.R. § 745.107(a)(1), before a lessee is obligated under any contract to lease target housing, a lessor must provide a lessee with an EPA-approved lead hazard information pamphlet, such as the EPA document entitled "Protect Your Family From Lead in Your Home" or an equivalent pamphlet that has been approved by EPA for use in the state where such target housing is located.

24. For each lease of the target housing listed above in Paragraph 15, Respondent failed to provide the lessee with an EPA-approved lead hazard information pamphlet before the lessee became obligated under a contract to lease said housing.

25. Accordingly, Respondent's failure to provide the lessees of the target housing listed above in Paragraph 15 with an EPA-approved lead hazard information pamphlet before the lessees became obligated under a contract to lease said housing, constitutes 21 violations of 40 C.F.R. § 745.107(a)(1) and Section 409 of TSCA.

Count 2 - Failure to Disclose Presence of Known Lead-Based Paint and/or Provide Records Pertaining to Lead-Based Paint

26. Paragraphs 1 through 25 above are incorporated by reference as if fully set forth herein.

27. Pursuant to 40 C.F.R. § 745.107(a)(2), before a lessee is obligated under any contract to lease target housing, the lessor must disclose to the lessee the presence of any known lead-based paint and/or lead-based paint hazards in the target housing being leased.

28. Pursuant to 40 C.F.R. § 745.107(a)(4), before a lessee is obligated under any contract to lease target housing, the lessor must provide the lessee with any records or reports available to the lessor pertaining to lead-based paint and/or lead-based paint hazards in the target housing being leased.

29. At the time Respondent leased the target housing listed above in Paragraph 15, Respondent possessed the following information pertaining to lead-based paint and/or lead-based paint hazards in said housing:

| Address | Lead-Based Paint Records |
|---------------------------|---|
| 579 Bay St., #A | Lead Inspection Reports (dated 09/28/02; 05/09/94; and 05/12/97); Letter of Full Deleading Compliance ¹ (dated 10/01/97); Initial Lead Inspection Compliance Letter (dated 05/13/94) |
| 42 Edmund Wynne Cir. | Lead Inspection Reports (dated 06/09/94 and 05/15/97); Letter of Full Deleading Compliance (undated); Letter if Full Deleading Compliance (dated 10/01/97) |
| 42 Lionel Benoit Rd., #B | Lead Inspection Report (dated twice - 05/26/94 and 06/04/97); Letter of Full Deleading Compliance (dated 10/01/97); Letter of Initial Lead Inspection Compliance (dated 06/01/94) |
| 108 Lionel Benoit Rd., #B | Lead Inspection Report (dated twice - 06/02/94 and 05/27/97); Letter of Full Deleading Compliance (dated 10/01/97); Letter of Lead Inspection Compliance (dated 06/09/94) |
| 62 Lionel Benoit Rd., #D | Lead Inspection Report (dated 05/27/94); Letter of Initial Lead Inspection Compliance (dated 06/01/94) |
| 72 Lionel Benoit Rd., #C | Lead Inspection Report (dated twice - 05/31/94 and 05/30/97); Letter of Full Deleading Compliance (dated 10/01/97); Letter of Initial Lead Inspection Compliance (dated 06/01/94) |
| 611 Bay St. | Lead Inspection Reports (dated 06/13/97 and undated); Letter of Full Deleading Compliance (dated 10/01/97) |
| 96 Lionel Benoit Rd., #B | Lead Inspection Reports (dated 12/02/92 and 05/27/97); Letter of Full Deleading Compliance (dated 10/01/97) |
| 517 Goodwin St. | Lead Inspection Reports (dated 07/07/93 and 07/08/93); Letter of Full Deleading Compliance (dated 10/01/97) |
| 105 Layzon Brothers. Rd. | Lead Inspection Reports (dated 07/27/93 and 03/15/94); Letter of Full Deleading |

¹ Note that the "Letter of Full Deleading Compliance" only indicated whether or not a particular residential premises/unit was "lead-safe" at the time of the inspection (e.g., no peeling chipping or flaking lead paint, coverings or encapsulants form an effective barrier over lead paint and remain in place, etc.) in accordance with the Commonwealth of Massachusetts' laws and regulations regarding residential lead paint. Massachusetts law does not require the abatement (i.e., removal) of all residential lead paint. The "Letter of Full Deleading Compliance" was not an indication that a residence was "lead-free" (i.e., all lead paint had been removed).

| | |
|------------------------|---|
| | Compliance (dated 10/01/97) |
| 9 Arthur Picard Cir. | Lead Inspection Reports (dated 07/12/93 and 03/15/94); Letter of Initial Lead Inspection Compliance |
| 471 Goodwin St. | Lead Inspection Report (dated 06/28/93); Letter of Initial Lead Inspection Compliance (dated 06/28/93) |
| 5 Layzon Brothers Rd. | Lead Inspection Report (dated 07/30/93); Letter of Initial Lead Inspection Compliance (dated 07/30/93) |
| 15 Layzon Brothers Rd. | Lead Inspection Report (dated 07/30/93); Letter of Initial Lead Inspection Compliance (dated 07/30/93) |
| 77 Layzon Brothers Rd. | Lead Inspection Report (dated 08/17/93); Letter of Initial Lead Inspection Compliance (dated 08/23/93) |
| 88 Layzon Brothers Rd. | Lead Inspection Report (dated 08/25/93); Letter of Initial Lead Inspection Compliance (dated 08/26/93) |
| 372 Berkshire Ave. | Lead Inspection Report (dated 05/04/93); Letter of Initial Lead Inspection Compliance (dated 05/05/93) |
| 34 Robert Dyer Cir. | Lead Inspection Report (dated 05/17/93); Letter of Initial Lead Inspection Compliance (dated 05/24/93) |
| 57 Robert Dyer Cir. | Lead Inspection Report (dated 05/12/93); Letter of Initial Lead Inspection Compliance (dated 05/12/93) |
| 15 Lionel Benoit Rd. | Lead Inspection Reports (dated 11/07/91 and 06/04/97); Letter of Full Deleading Compliance (dated 10/01/97) |
| 103 Robert Dyer Cir. | Letter of Initial Lead Inspection Compliance (dated 06/07/93) |

30. For each lease of the target housing listed above in Paragraph 15, Respondent failed to disclose to the lessee the presence of known lead-based paint or lead-based paint hazards, and/or provide the lessee with any records or reports available to the lessor pertaining to lead-based paint or lead-based paint hazards before the lessee became obligated to lease said housing.

31. Accordingly, Respondent's failure to disclose to the lessees of the target housing, listed above in Paragraph 15, the presence of known lead-based paint or lead-based paint hazards and/or to provide the lessees with any records or reports available to the lessor pertaining to lead-based paint or lead-based paint hazards before the lessees became obligated to lease said housing constitutes 21 violations of 40 C.F.R. §§ 745.107(a)(2) and/or (a)(4) and Section 409 of TSCA.

Count 3 - Failure to Include Lead Warning Statement

32. Paragraphs 1 through 31 above are incorporated by reference as if fully set forth herein.

33. Pursuant to 40 C.F.R. § 745.113(b)(1), each contract to lease target housing must include, as an attachment to or within the contract, a Lead Warning Statement consisting of the following language: "Housing built before 1978 may contain lead-based paint. Lead from paint, paint chips, and dust can pose health hazards if not managed properly. Lead exposure is especially harmful to young children and pregnant women. Before renting pre-1978 housing, lessors must disclose the presence of lead-based paint and/or lead-based paint hazards in the dwelling. Lessees must also receive a federally approved pamphlet on lead poisoning prevention."

34. For each lease of the target housing listed above in Paragraph 15, Respondent failed to include, as an attachment to or within the contract, a Lead Warning Statement.

35. Accordingly, Respondent's failure to include, as an attachment to or within each contract to lease the target housing, listed above in Paragraph 15, a Lead Warning Statement constitutes 21 violations 40 C.F.R. § 745.113(b)(1), and Section 409 of TSCA.

Count 4 - Failure to Include Disclosure Statement Regarding Lead-Based Paint

36. Paragraphs 1 through 35 above are incorporated by reference as if fully set forth herein.

37. Pursuant to 40 C.F.R. § 745.113(b)(2), a contract to lease target housing must include, as an attachment to or within the contract, a statement by the lessor disclosing the presence of known lead-based paint and/or lead-based paint hazards or indicating no knowledge of the presence of lead-based paint and/or lead-based paint hazards in the target housing being leased.

38. For each lease of the target housing listed above in Paragraph 15, Respondent failed to include, as an attachment to 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 or indicating no knowledge of the same.

39. Accordingly, Respondent's failure to include, as an attachment to or within each contract to lease the target housing, listed above in Paragraph 15, a statement by the lessor disclosing the presence of known lead-based paint and/or lead-based paint hazards in the target housing or indicating no knowledge of the same constitutes 21 violations of 40 C.F.R. § 745.113(b)(2), and Section 409 of TSCA.

VI. PROPOSED PENALTY

40. In determining the amount of any penalty to be assessed, Section 16 of TSCA requires that Complainant consider the nature, circumstances, extent and gravity of the violations and, with respect to the violator, its ability to pay, the effect of the proposed penalty on the ability to continue to do business, any history of prior such violations, the degree of culpability, and such other matters as justice may require.

41. In determining the amount of any penalty to be assessed, TSCA Section 16, 15 U.S.C. § 2615, requires Complainant to consider the nature, circumstances, extent and gravity of the violation or violations and, with respect to the violator, ability to pay, the effect of the proposed penalty on the ability of the violator to continue to do business, any history of prior such violations, the degree of culpability of the violator, and such other matters as justice may require. To assess a penalty for the alleged violations in this Complaint, Complainant will take into account the particular facts and circumstances of this case with specific reference to EPA's December 2007 Section 1018 - Disclosure Rule Enforcement Response and Penalty Policy (the "ERPP"), a copy of which is enclosed with this Complaint. The ERPP provides a rational, consistent, and equitable calculation methodology for applying the statutory penalty factors enumerated above to particular cases.

42. **Ability to Pay**: Any proposed penalty in this matter will be developed based upon the best information available to Complainant. However, any such penalty may also be adjusted if Respondent is able to establish a bona fide claim of its ability to pay a penalty by providing Complainant with adequate financial documentation of its claim.

43. By this Complaint, Complainant seeks to assess Respondent civil penalties of up to \$11,000 per violation for violations that occurred after March 15, 2004 through January 12, 2009, and \$16,000 per violation for violations that occurred on or after January 13, 2009, for the violations of the Disclosure Rule alleged herein as follows:

a. **Count1 (Lead Pamphlet)**: Twenty-one (21) violations for failing to provide each lessee of target housing with an EPA-approved lead hazard information pamphlet prior to the lessee becoming obligated to lease said housing: A lessor's failure to provide a

potential lessee with this pamphlet has a high probability of impairing the lessee's ability to evaluate information regarding the risks associated with exposure to lead-based paint and/or lead-based paint hazards and to weigh this information when leasing target housing. The pamphlet describes the hazards associated with lead-based paint and provides information about how lessees can protect themselves and their families against potential lead exposure. The pamphlet also explains that lead exposure is especially harmful to young children and pregnant women.

b. Count 2 (Lead Paint Records): Twenty-one (21) violations for failing to disclose the presence of known lead-based paint and/or lead-based paint hazards and/or to provide records pertaining to lead-based paint and/or lead-based paint hazards in the target housing being leased. A lessor's failure to make such a disclosure or to provide such records has a high probability of impairing a lessee's ability to weigh this important information when deciding whether or not to lease target housing.

c. Count 3 (Lead Warning Statement): Twenty-one (21) violations for failing to include the Lead Warning Statement within a contract to lease target housing or in an attachment to a contract to lease target housing prior to the lessee becoming obligated to lease said housing: A lessor's failure to include a Lead Warning Statement in the lease contract has a high probability of impairing the potential lessee's ability to evaluate the risks associated with exposure to lead-based paint and/or lead-based paint hazards and to weigh this information when leasing target housing. The Lead Warning Statement also explains that lead exposure is especially harmful to young children and pregnant women.

d. Count 4 (Lead Disclosure Statement): Twenty-one (21) violations for failing to include a statement either disclosing the presence of known lead-based paint and/or lead-

based paint hazards or indicating no knowledge of the same, within a contract to lease target housing or in an attachment to a contract to lease target housing prior to the lessee becoming obligated to lease said housing: A lessor's failure to include such a statement has a medium probability of impairing the lessee's ability to assess the risks associated with leasing target housing. Because the intent of this provision is to put potential lessees on notice of specific information relating to the presence of lead in the housing, violation of this provision deprives lessees of their right to make decisions based upon risk.

VII. OPPORTUNITY TO REQUEST A HEARING AND FILE ANSWER

44. As provided by Section 16(a)(2)(A) of TSCA, 15 U.S.C. § 2615(a)(2)(A), and in accordance with 40 C.F.R. § 22.14, Respondent has a right to request a hearing on any material fact alleged in this Complaint. Any such hearing would be conducted in accordance with EPA's Consolidated Rules of Practice, 40 C.F.R. Part 22, a copy of which is enclosed with this Complaint. Any request for a hearing must be included in Respondent's written Answer to this Complaint ("Answer") and filed with the Regional Hearing Clerk at the address listed below in Paragraph 45 within thirty (30) days of receipt of this Complaint.

45. The Answer shall clearly and directly admit, deny, or explain each of the factual allegations contained in the Complaint. Where Respondent has no knowledge as to a particular factual allegation and so states, the allegation is deemed denied. The failure of Respondent to deny an allegation contained in the Complaint constitutes an admission of that allegation. The Answer must also state the circumstances or arguments alleged to constitute the grounds of any defense; the facts that Respondent disputes; the basis for opposing any proposed penalty; and whether a hearing is requested. See 40

C.F.R. § 22.15 of the Consolidated Rules of Practice for the required contents of an Answer.

46. Respondent shall send the original and one copy of the Answer, as well as a copy of all other documents that Respondent files in this action, to the Regional Hearing Clerk at the following address:

Wanda A. Santiago
Regional Hearing Clerk
U.S. EPA, Region 1
5 Post Office Square – Suite 100
Mail Code: ORA18-1
Boston, Massachusetts 02109-3912

47. Respondent shall also serve a copy of the Answer, as well as a copy of all other documents that Respondent files in this action, to William D. Chin, the attorney assigned to represent Complainant in this matter, and the person who is designated to receive service in this matter under 40 C.F.R. § 22.5(c)(4), at the following address:

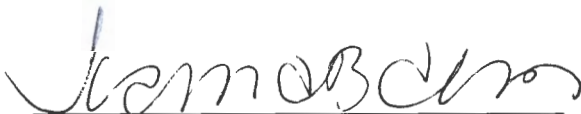
William D. Chin
Enforcement Counsel
U.S. EPA, Region 1
5 Post Office Square – Suite 100
Mail Code: OES04-4
Boston, Massachusetts 02109-3912

48. If Respondent fails to file a timely Answer to the Complaint, Respondent may be found to be in default, pursuant to 40 C.F.R. § 22.17 of the Consolidated Rules of Practice. For purposes of this action only, default by Respondent constitutes an admission of all facts alleged in the Complaint and a waiver of Respondent's right to contest such factual allegations under Section 16(a)(2)(A) of TSCA. Pursuant to 40 C.F.R. § 22.17(d), the penalty assessed in the default order shall become due and payable

by Respondent, without further proceedings, thirty (30) days after the default order becomes final.

VIII. SETTLEMENT CONFERENCE

49. Whether or not a hearing is requested upon filing an Answer, Respondent may confer informally with Complainant or his designee concerning the violations alleged in this Complaint. Such conference provides Respondent with an opportunity to respond informally to the allegations, and to provide whatever additional information may be relevant to the disposition of this matter. To explore the possibility of settlement, Respondent or Respondent's counsel should contact William D. Chin, Enforcement Counsel, at the address cited above or by calling 617-918-1728. Please note that a request for an informal settlement conference by Respondent does not automatically extend the 30-day time period within which a written Answer must be submitted in order to avoid becoming subject to default.



Joanna Jerison
Legal Enforcement Manager
Office of Environmental Stewardship
U.S. EPA, Region 1

8/8/12
Date

In the Matter of: Springfield Housing Authority

Docket No. TSCA-01-2012-0078

CERTIFICATE OF SERVICE

I hereby certify that I caused the foregoing Complaint to be sent to the following person(s), in the manner stated, on the date below:

Original and one copy,
By Hand Delivery:

Wanda I. Santiago
Regional Hearing Clerk
U.S. EPA, Region 1
5 Post Office Square – Suite 100
Mail Code: ORA18-1
Boston, MA 02109-3912

One copy, By Certified Mail,
Return Receipt Requested:

William H. Abrashkin
Executive Director
Springfield Housing Authority
25 Saab Court
Springfield, MA 01104

Priscilla Fifield Chesky, Esq.
Lyon & Fitzpatrick, LLP
Whitney Place
14 Bobala Road
Holyoke, MA 01040

Dated: 8/9/12

William D. Chin

William D. Chin
Enforcement Counsel
U.S. EPA, Region 1
5 Post Office Square – Suite 100
Mail Code: OES04-4
Boston, MA 02109-3912