

LEAD

Telefax: (718) 256-1932



DAL REALTY MANAGEMENT CORP.

REAL ESTATE MANAGEMENT & DEVELOPMENT

2269 65TH ST
BROOKLYN, N.Y. 11204
(718) 256-8092

October 26, 2010

Ms. Dore LaPosta
Regional Hearing Clerk
U.S. Environmental Protection Agency, Region 2
290 Broadway, 16th Floor
New York, New York 10007-1866

RECEIVED
NOV - 3 2010
Pesticides & Toxic Substances Branch

US EPA - REGION 2
DIVISION OF ENFORCEMENT
& COMPLIANCE ASST
2010 NOV - 1 PM 2:41

Re: Dal Realty Management Corporation
Docket No. TSCA-02-2010-9271

Dear Ms. LaPosta,

I am the office manager for Dal Realty Management Corp., and I would like to request a hearing in reference to the above Complaint.

My company manages about 400 residential units in 20 properties in Brooklyn. For most of the past thirty years these properties were under contract with the NYC Department of Housing Preservation and Development's Section-8 Program. All tenant leases were executed by HPD. Eventually, as these contracts with HPD expired; our office began executing leases for all the existing tenants.

In August, 2008, I received a request for information from the EPA. Aside from general property information about the buildings my company manages; I was asked to provide copies of all leases issued or renewed during the first six months of 2008. Our office executes a "Lead-Based Paint Hazard" form with every renewal. This Lead form asks the tenant whether or not a child under seven years of age lives in their apartment. I thought this was the lead form being asked for by the EPA.

Therefore, for all but one of the tenants cited in the complaint there is a "Lead Disclosure" form on file in my office. For that one tenant; Catherine Murray of 1783 New York Ave. Apt# 1A, Brooklyn ,NY 11210, I know my office sent her the form at the same time as the other tenants in the building. I just don't know whether Ms. Murray sent back the signed form and it was later misplaced, or if she ever sent back the form.

I have enclosed copies of the "Lead Disclosure" forms on file, and my answer to the Complaint. Thank you for your time and consideration in this matter. If you require any additional information, I can be reached at 718-256-8092.

Sincerely yours,

Paul Dalmazio

REC'D
REGIONAL HEARING
CLERK
2011 JAN 20 P 2:11
U.S. ENVIRONMENTAL
PROTECTION AGENCY-REG. II

Enclosures: Answer to Complaint, 8 executed Lead Disclosure Forms

U.S. ENVIRONMENTAL
PROTECTION AGENCY
2011 JAN 20 P 2 12
REGULATORY HEARING
CLERK

ANSWER TO COMPLAINT

Dal Realty Management Corporation
Docket No. TSCA-02-2010-9271

- Paragraphs 1,2, and 3 are true statements.
- As for paragraph 4; I have no record of an EPA representative visiting my office on or about August 14, 2008.
- Paragraph 5 is a true statement.
- As for paragraph 6; the EPA received my response on September 12, 2008.
- Paragraphs 7 thru 16 are true statements.
- As for paragraph 17; the Argyle Realty properties consist of approximately 32 units.
- Paragraphs 18 thru 38 are true statements.
- As for paragraph 39; except for the tenant cited in paragraph 27, a previously executed Lead Warning Statement does exist in the tenants files.
- Paragraph 40 is a true statement.
- As for paragraph 41; except for the tenant cited in paragraph 27, the lessor has performed all of the activities required under 40 C.F.R.- 745.113.
- Paragraphs 42 thru 45 are true statements.
- As for paragraph 46; except for the tenant cited in paragraph 27, a previously executed statement disclosing a presence of lead-based paint or indicating no known lead-based paint, does exist in the tenants files.
- Paragraph 47 is a true statement.
- As for paragraph 48; except for the tenant cited in paragraph 27, the lessor has performed all of the activities required under 40 C.F.R.- 745.113.
- Paragraphs 49 thru 52 are true statements.
- As for paragraph 53; except for the tenant cited in paragraph 27, a previously executed statement disclosing a list of any records or reports available to the lessor pertaining to lead-based paint hazards or an indication that no such records or reports are available, does exist in the tenants files.
- Paragraph 54 is a true statement.

ANSWER TO COMPLAINT

Dal Realty Management Corporation

Docket No. TSCA-02-2010-9271

- As for paragraph 55; except for the tenant cited in paragraph 27, the lessor has performed all of the activities required under 40 C.F.R.- 745.113.

- Paragraphs 56 thru 59 are true statements.

- As for paragraph 60; except for the tenant cited in paragraph 27, a previously executed statement by the lessee affirming the receipt of (1) the lessor's statement disclosing the presence of or no knowledge of lead-based paint, (2) the list of any records or reports available to the lessor pertaining to lead-based paint, and (3) the lead hazard information pamphlet, does exist in the tenants files.

- Paragraph 61 is a true statement.

- As for paragraph 62; except for the tenant cited in paragraph 27, the lessor has performed all of the activities required under 40 C.F.R.- 745.113.

- Paragraphs 63 thru 66 are true statements.

- As for paragraph 67; except for the tenant cited in paragraph 27, previously executed signatures by the lessors and lessees certifying to the accuracy of their statements does exist in the tenants files.

- Paragraph 68 is a true statement.

- As for paragraph 69; except for the tenant cited in paragraph 27, the lessor has performed all of the activities required under 40 C.F.R.- 745.113.

Disclosure of Information on Lead-Based Paint and Lead-Based Paint Hazards

Lead Warning Statement

Housing built before 1978 may contain lead-based paint. Lead from paint, paint chips, and dust can pose health hazards if not taken care of properly. Lead exposure is especially harmful to young children and pregnant women. Before renting pre-1978 housing, landlords must disclose the presence of known lead-based paint and lead-based paint hazards in the dwelling. Tenants must also receive a Federally approved pamphlet on lead poisoning prevention.

Lessor's Disclosure (initial)

TD (a) Presence of lead-based paint or lead-based paint hazards (check one below):

Known lead-based paint and/or lead-based paint hazards are present in the housing (explain).

Lessor has no knowledge of lead-based paint and/or lead-based paint hazards in the housing.

TD (b) Records and reports available to the lessor (check one below):

Lessor has provided the lessee with all available records and reports pertaining to lead-based paint and/or lead-based paint hazards in the housing (list documents below).

Lessor has no reports or records pertaining to lead-based paint and/or lead-based paint hazards in the housing.

Lessee's Acknowledgment (initial)

JP (c) Lessee has received copies of all information listed above.

JP (d) Lessee has received the pamphlet "Protect Your Family from Lead in Your Home."

Agent's Acknowledgment (initial)

TD (e) Agent has informed the lessor of the lessor's obligations under 42 U.S.C. 485(d) and is aware of his/her responsibility to ensure compliance.

Certification of Accuracy

The following parties have reviewed the information above and certify, to the best of their knowledge, that the information provided by the signatory is true and accurate.

Theodore Delmario 1/12/05
Lessor Date

Lessor Date

* Jacqueline Pimentel
Lessee Date

Lessee Date

Agent Date

Agent Date

Jacqueline Pimentel, 446 61st St. # 4B, Brooklyn, N.Y.

Disclosure of Information on Lead-Based Paint and Lead-Based Paint Hazards

Lead Warning Statement

Housing built before 1978 may contain lead-based paint. Lead from paint, paint chips, and dust can pose health hazards if not taken care of properly. Lead exposure is especially harmful to young children and pregnant women. Before renting pre-1978 housing, landlords must disclose the presence of known lead-based paint and lead-based paint hazards in the dwelling. Tenants must also receive a Federally approved pamphlet on lead poisoning prevention.

Lessor's Disclosure (initial)

TD (a) Presence of lead-based paint or lead-based paint hazards (check one below):

Known lead-based paint and/or lead-based paint hazards are present in the housing (explain).

Lessor has no knowledge of lead-based paint and/or lead-based paint hazards in the housing.

TD (b) Records and reports available to the lessor (check one below):

Lessor has provided the lessee with all available records and reports pertaining to lead-based paint and/or lead-based paint hazards in the housing (list documents below).

Lessor has no reports or records pertaining to lead-based paint and/or lead-based paint hazards in the housing.

Lessee's Acknowledgment (initial)

me (c) Lessee has received copies of all information listed above.

me (d) Lessee has received the pamphlet "Protect Your Family from Lead in Your Home."

Agent's Acknowledgment (initial)

TD (e) Agent has informed the lessor of the lessor's obligations under 42 U.S.C. 485(d) and is aware of his/her responsibility to ensure compliance.

Certification of Accuracy

The following parties have reviewed the information above and certify, to the best of their knowledge, that the information provided by the signatory is true and accurate.

<u>Heedee Calvez</u>	<u>2/14/05</u>		
Lessor	Date	Lessor	Date
<u>* Miguel Camacho</u>			
Lessee	Date	Lessee	Date
Agent	Date	Agent	Date

MIGUEL CAMACHO, 450 61ST ST. #3A, BROOKLYN, N.Y

Disclosure of Information on Lead-Based Paint and/or Lead-Based Paint Hazards

Lead Warning Statement

Housing built before 1978 may contain lead-based paint. Lead from paint, paint chips, and dust can pose health hazards in unmanaged property. Lead exposure is especially harmful to young children and pregnant women. Before renting pre-1978 housing, lessors must disclose the presence of known lead-based paint and/or lead-based paint hazards in the dwelling. Lessees must also receive a federally approved pamphlet on lead poisoning prevention.

Lessor's Disclosure

(a) Presence of lead-based paint and/or lead-based paint hazards (check (i) or (ii) below):

(i) Known lead-based paint and/or lead-based paint hazards are present in the housing (explain)

(ii) TD Lessor has no knowledge of lead-based paint and/or lead-based paint hazards in the housing.

(b) Records and reports available to the lessor (check (i) or (ii) below):

(i) Lessor has provided the lessee with all available records and reports pertaining to lead-based paint and/or lead-based paint hazards in the housing (list documents below).

(ii) TD Lessor has no reports or records pertaining to lead-based paint and/or lead-based paint hazards in the housing.

Lessee's Acknowledgment (initial)

(c) E.G. Lessee has received copies of all information listed above.

(d) E.G. Lessee has received the pamphlet *Protect Your Family from Lead in Your Home*.

Agent's Acknowledgment (initial)

(e) TP Agent has informed the lessor of the lessor's obligations under 42 U.S.C. 4852(d) and is aware of his/her responsibility to ensure compliance.

Certification of Accuracy

The following parties have reviewed the information above and certify, to the best of their knowledge, that the information they have provided is true and accurate.

Theodore Salmeri

Lessor	Date	Lessor	Date
<u>X Eugenia Guerrero</u>			
Lessee	Date	Lessee	Date
Agent	Date	Agent	Date

EUGENIA GUERRERO, 15 ARGYLE RD. #2B, BROOKLYN, N.Y.

Disclosure of Information on Lead-Based Paint and Lead-Based Paint Hazards

Lead Warning Statement

Housing built before 1978 may contain lead-based paint. Lead from paint, paint chips, and dust can pose health hazards if not taken care of properly. Lead exposure is especially harmful to young children and pregnant women. Before renting pre-1978 housing, landlords must disclose the presence of known lead-based paint and lead-based paint hazards in the dwelling. Tenants must also receive a Federally approved pamphlet on lead poisoning prevention.

Lessor's Disclosure (initial)

To (a) Presence of lead-based paint or lead-based paint hazards (check one below):

Known lead-based paint and/or lead-based paint hazards are present in the housing (explain).

Lessor has no knowledge of lead-based paint and/or lead-based paint hazards in the housing.

To (b) Records and reports available to the lessor (check one below):

Lessor has provided the lessee with all available records and reports pertaining to lead-based paint and/or lead-based paint hazards in the housing (list documents below).

Lessor has no reports or records pertaining to lead-based paint and/or lead-based paint hazards in the housing.

Lessee's Acknowledgment (initial)

NY (c) Lessee has received copies of all information listed above.

NY (d) Lessee has received the pamphlet "Protect Your Family from Lead in Your Home."

Agent's Acknowledgment (initial)

To (e) Agent has informed the lessor of the lessor's obligations under 42 U.S.C. 485(d) and is aware of his/her responsibility to ensure compliance.

Certification of Accuracy

The following parties have reviewed the information above and certify to the best of their knowledge, that the information provided by the signatory is true and accurate

<i>Theodore Balwin</i>	Date		Date
* <i>Nancy Jude</i>	Date		Date
Agent	Date	Agent	Date

NANCY JUDE, 1785 New York Ave. #4C, Brooklyn, NY

Ana Baez
52 - 2B

Disclosure of Information on Lead-Based Paint and/or Lead-Based Paint Hazards

Lead Warning Statement

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 known lead-based paint and/or lead-based paint hazards in the dwelling. Lessees must also receive a federally approved pamphlet on lead poisoning prevention.

Lessor's Disclosure

(a) Presence of lead-based paint and/or lead-based paint hazards (check (i) or (ii) below):

(i) Known lead-based paint and/or lead-based paint hazards are present in the housing (explain).

(ii) ID Lessor has no knowledge of lead-based paint and/or lead-based paint hazards in the housing.

(b) Records and reports available to the lessor (check (i) or (ii) below):

(i) ID Lessor has provided the lessee with all available records and reports pertaining to lead-based paint and/or lead-based paint hazards in the housing (list documents below).

LEAD Pamphlet

(ii) Lessor has no reports or records pertaining to lead-based paint and/or lead-based paint hazards in the housing.

Lessee's Acknowledgment (initial)

(c) A.B. Lessee has received copies of all information listed above.

(d) A.B. Lessee has received the pamphlet *Protect Your Family from Lead in Your Home*.

Agent's Acknowledgment (initial)

(e) Agent has informed the lessor of the lessor's obligations under 42 U.S.C 4852(d) and is aware of his/her responsibility to ensure compliance.

Certification of Accuracy

The following parties have reviewed the information above and certify, to the best of their knowledge, that the information they have provided is true and accurate.

<u>Theodoro Caluzio</u>	<u>8/27/01</u>	_____	_____
Lessor	Date	Lessor	Date
<u>Ana Baez</u>	<u>11/24/01</u>	_____	_____
Lessee	Date	Lessee	Date
<u>Ana Baez</u>	<u>11/24/01</u>	_____	_____
Agent	Date	Agent	Date

ANA BAEZ, 52 ARGYLE Rd. #2B, BROOKLYN, N.Y

DISCLOSURE OF INFORMATION ON LEAD-BASED PAINT AND LEAD-BASED PAINT HAZARDS

Housing built before 1978 may contain lead-based paint. Lead from paint, paint chips, and dust can pose health hazards if not taken care of properly. Lead exposure is especially harmful to young children and pregnant women. Before renting pre-1978 housing, Owners must disclose the presence of known lead-based paint and lead-based paint hazards in the dwelling. Renters must also receive a federally approved pamphlet on lead poisoning prevention.

Lessor's Disclosure (initial)

→ (a) Presence of lead-based paint or lead-based paint hazards (check one below):

Known lead-based paint and/or lead-based paint hazards are present in the housing (explain).

T.D. Lessor has no knowledge of lead-based paint and/or lead-based paint hazards in the housing.

→ (b) Records and reports available to the lessor (check one below):

Lessor has provided the lessee with all available records and reports pertaining to lead based paint and/or lead-based paint hazards in the housing (list documents below).

T.D. Lessor has no reports or records pertaining to lead-based paint and/or lead-based paint hazards in the housing.

→ (c) Lessee's Acknowledgment (initial)

F.L. Lessee has received copies of all information listed above.

F.L. Lessee has received the pamphlet *Protect Your Family from Lead in Your Home*.

→ (d) Agent's Acknowledgment (initial)

T.D. Agent has informed the lessee of the lessor's obligations under 42 U.S.C. 4852(d), and is aware of his/her responsibility to ensure compliance.

Certification of Accuracy

The following parties have reviewed the information above and certify, to the best of their knowledge, that the information provided by the signatory is true and accurate.

→ Fatima Leyderman 8/1/05 Steele Delon 8/1/05
 Lessee/Renter Date Agent/Owner Date

PENDING APPLICATION FOR RENT INCREASE RIDER

→ This is to inform the Renter that an application for a rent increase based upon a major capital improvement has been filed by the Owner with the New York State Division of Housing and Community Renewal (DHCR), Docket # _____ and has been pending since _____. The Owner has applied for a rent increase of \$ _____ per room per month.

This application is based upon the following building-wide capital improvements:

- 1. _____ 4. _____
 2. _____ 5. _____
 3. _____ 6. _____

The Renter agrees to be bound by any order of DHCR authorizing a rent increase based on this pending application which may retroactively and/or prospectively increase the rent set forth in this lease.

→

_____	_____	_____	_____
Renter	Date	Owner/Agent (on behalf of Owner)	Date

FATIMA LEYDERMAN, 450 61ST ST. #1C, BROOKLYN, NY

Disclosure of Information on Lead-Based Paint and Lead-Based Paint Hazards

Lead Warning Statement

Housing built before 1978 may contain lead-based paint. Lead from paint, paint chips, and dust can pose health hazards if not taken care of properly. Lead exposure is especially harmful to young children and pregnant women. Before renting pre-1978 housing, landlords must disclose the presence of known lead-based paint and lead-based paint hazards in the dwelling. Tenants must also receive a Federally approved pamphlet on lead poisoning prevention.

Lessor's Disclosure (initial)

 (a) Presence of lead-based paint or lead-based paint hazards (check one below):

Known lead-based paint and/or lead-based paint hazards are present in the housing (explain).

Lessor has no knowledge of lead-based paint and/or lead-based paint hazards in the housing.

 (b) Records and reports available to the lessor (check one below):

Lessor has provided the lessee with all available records and reports pertaining to lead-based paint and/or lead-based paint hazards in the housing (list documents below).

Lessor has no reports or records pertaining to lead-based paint and/or lead-based paint hazards in the housing.

Lessee's Acknowledgment (initial)

 (c) Lessee has received copies of all information listed above.

 (d) Lessee has received the pamphlet "Protect Your Family from Lead in Your Home."

Agent's Acknowledgment (initial)

 (e) Agent has informed the lessor of the lessor's obligations under 42 U.S.C. 4856(f) and is aware of his/her responsibility to ensure compliance.

Certification of Accuracy

The following parties have reviewed the information above and certify to the best of their knowledge that the information provided by the signatory is true and accurate.

Theodore Balonis 2/7/00
Lessor Date

Lessor Date

* Anthony Gunter
Lessee Date

Lessee Date

Agent Date

Agent Date

ANTHONETT GUNTER 1779 NEW YORK AVE. #2C. BROOKLYN, N.Y.

Disclosure of Information on Lead-Based Paint and Lead-Based Paint Hazards

Lead Warning Statement

Housing built before 1978 may contain lead-based paint. Lead from paint, paint chips, or dust can pose health hazards if not taken care of properly. Lead exposure is especially dangerous for children and pregnant women. Before renting pre-1978 housing, tenants should be informed of the presence of lead-based paint and lead-based paint hazards in the dwelling. Tenants must be provided with an approved pamphlet on lead poisoning prevention.

Lessor's Disclosure (initial)

RD (a) Presence of lead-based paint or lead-based paint hazards (check one below):

Known lead-based paint and/or lead-based paint hazards are present in the housing (explain).

Lessor has no knowledge of lead-based paint and/or lead-based paint hazards in the housing.

ID (b) Records and reports available to the lessor (check one below):

Lessor has provided the lessee with all available records and reports pertaining to lead-based paint and/or lead-based paint hazards in the housing (list documents below).

Lessor has no reports or records pertaining to lead-based paint and/or lead-based paint hazards in the housing.

Lessee's Acknowledgment (initial)

MR (c) Lessee has received copies of all information listed above.

MR (d) Lessee has received the pamphlet "Protect Your Family from Lead in Your Home."

Agent's Acknowledgment (initial)

ID (e) Agent has informed the lessor of the lessor's obligations under 42 U.S.C. 485(d) and is aware of his/her responsibility to ensure compliance.

Certification of Accuracy

The following parties have reviewed the information above and certify, to the best of their knowledge, that the information provided by the signatory is true and accurate.

<u>Theodore Dalmanzo</u>	<u>7/31/00</u>		
Lessor	Date	Lessor	Date
<u>* Mario Rodriguez</u>			
Lessee	Date	Lessee	Date
Agent	Date	Agent	Date

MARIO RODRIGUEZ, 974-46th ST. #3D, BROOKLYN, N.Y