



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

OCT 17 2007

REPLY TO THE ATTENTION OF:

LC-8J

CERTIFIED MAIL

Receipt No. 7001 0320 0005 8931 9561

John Strong
1523 Eastern Avenue SE
Grand Rapids, Michigan 49507

TSCA-05-2008-0001

Dear Mr. Strong:

Enclosed is a Complaint, issued by the United States Environmental Protection Agency (U.S. EPA), Region 5, which alleges that you have violated Section 1018 of the Residential Lead-Based Paint Hazard Reduction Act of 1992, 42 U.S.C. §§ 4851 et seq.

I recommend that you carefully read and analyze the Complaint and the enclosed Rules of Practice, 40 C.F.R. Part 22, to determine the alternatives available in responding to the alleged violations, proposed penalties and opportunity for a hearing. Please note that each day that the violation continues constitutes a new violation for which additional penalties may be imposed.

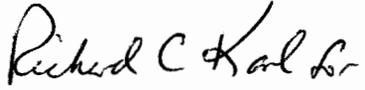
As provided in the Complaint, if you would like to request a hearing to contest the facts alleged or the amount of the penalty, you must do so in your Answer to the Complaint. If you choose to request a hearing, you must file your Answer with the Regional Hearing Clerk (E-13J), U.S. EPA, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604 within 30 days following service of this Complaint.

A copy of your Answer and Request for Hearing should be sent to Reginald Pallesen, Associate Regional Counsel (C-14J), at the above address. If you have any questions about this matter you may phone Mr. Pallesen at (312) 886-0555.

Failure to respond to this Complaint by specific Answer within 30 days of its receipt by you constitutes your admission of the allegations in the Complaint. Failure to respond to this Complaint may result in the issuance of a Default Order imposing the proposed penalties.

Whether or not you request a hearing, you may request an informal conference to discuss the facts of this case and to arrive at a settlement. If you wish to request an informal conference for the purpose of settlement, please write to Pamela Grace, Pesticides and Toxics Compliance Section (LC-8J), at the above address, or you may telephone her at (312) 353-2833.

Sincerely,

A handwritten signature in cursive script that reads "Richard C. Kalor".

Margaret M. Guerriero, Director
Land and Chemicals Division

Enclosures

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5**

		In the Matter of:)	Docket No. TSCA-05-2008-0001
)	
John Strong)	Proceeding to Assess a Civil Penalty Under
Grand Rapids, Michigan)	Section 16(a) of the Toxic Substances
)	Control Act, 15 U.S.C. § 2615(a)
Respondent.)	

RECEIVED
REGIONAL OFFICE
JUL 17 2008

Complaint

1. This is an administrative proceeding to assess a civil penalty under Section 16 (a) of the Toxic Substances Control Act (TSCA), 15 U.S.C. § 2615(a).
2. The Complainant is, by lawful delegation, the Director of the Land and Chemicals Division, United States Environmental Protection Agency (U.S. EPA), Region 5.
3. Respondent is John Strong, with a place of business located at 1523 Eastern Avenue, SE, Grand Rapids, Michigan 49507.

Statutory and Regulatory Background

4. In promulgating Section 1018 of Title X, the Residential Lead-Based Paint Hazard Reduction Act of 1992, at 42 U.S.C. § 4851, Congress found, among other things, that low-level lead poisoning is widespread among American children, afflicting as many as 3,000,000 children under the age of 6; at low levels, lead poisoning in children causes intelligence deficiencies, reading and learning disabilities, impaired hearing, reduced attention span, hyperactivity, and behavior problems; and the ingestion of household dust containing lead from deteriorating or abraded lead-based paint is the most common cause of lead poisoning in children. Key components of the national strategy to reduce and eliminate the threat of childhood lead

poisoning are mandatory disclosure and notification requirements for residential rentals and sales. Section 1018 at 42 U.S.C. § 4852d requires the Administrator to promulgate regulations for the disclosure of lead-based paint hazards in target housing which is offered for sale or lease.

5. On March 6, 1996, U.S. EPA promulgated regulations codified at 40 C.F.R. Part 745, Subpart F, Disclosure of Known Lead-Based Paint and/or Lead-Based Paint Hazards Upon Sale or Lease of Residential Property (Disclosure Rule), pursuant to 42 U.S.C. § 4852d. Owners of more than four residential dwellings must comply with Subpart F by September 6, 1996, pursuant to 40 C.F.R. § 745.102(a).

6. The Disclosure Rule implements the provisions of 42 U.S.C. § 4852d which impose certain requirements on the sale or lease of target housing.

7. 40 C.F.R. § 745.103 defines “target housing” as 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.

8. 40 C.F.R. § 745.103 defines “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.

9. 40 C.F.R. § 745.103 defines “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.

10. 40 C.F.R. § 745.103 defines “agent” as any party who enters into a contract with a seller or a lessor, including any party who enters into a contract with a representative of the seller or lessor, for the purpose of selling or leasing target housing.

11. 40 C.F.R. § 745.100 requires, among other things, that the seller or lessor complete the specified disclosure activities before a lessee is obligated under any contract to lease target housing.

12. 40 C.F.R. § 745.113(b) requires that each contract to lease target housing include as an attachment or within the contract a lead warning statement; a statement by the lessor disclosing the presence of any known lead-based paint and/or lead-based paint hazards or lack of knowledge of such presence; a list of any records or reports available to the lessor regarding lead-based paints and/or lead-based paint hazards in the target housing or a statement that no such records exist; a statement by the lessee affirming receipt of the information set out in 40 C.F.R. § 745.113(b)(2) and (3) and the Lead Hazard Information Pamphlet; and signatures and dates of signatures of the lessor and lessee certifying the accuracy of their statements.

13. Under 42 U.S.C. § 4852d(b)(5) and 40 C.F.R. § 745.118(e), failing to comply with the Disclosure Rule violates Section 409 of TSCA, 15 U.S.C. § 2689, which may subject the violator to administrative civil penalties under Section 16 of TSCA, 15 U.S.C. § 2615(a); 40 C.F.R. § 745.118(f); and 42 U.S.C. § 4852d(b)(5).

General Allegations

14. Paragraphs 1 through 13 are realleged and incorporated here by reference.

15. Between at least 2003 and 2006, Respondent owned residential rental apartment buildings at 926 Franklin Street, SE, Grand Rapids, Michigan; 921 Franklin Street, SE, Grand Rapids, Michigan; and 1135 Cromwell SE, Grand Rapids, Michigan (Apartment Buildings).

16. The Apartment Buildings were constructed prior to 1978.

17. The Apartment Buildings and each apartment unit within these buildings are target housing as defined in 40 C.F.R. § 745.103.

18. On July 19, 2006, a representative of U.S. EPA conducted an inspection at Respondent's office at 1523 Eastern Avenue, SE, Grand Rapids, Michigan to monitor compliance with Section 1018 and its implementing regulations at 40 C.F.R. Part 745, Subpart F.

19. On the following dates, Respondent, either directly or through Respondent's authorized agent, entered into the following three written lease agreements (contracts) with individuals for the lease of units in the Apartment Buildings:

Address	Apt. No.	Date of Lease
1135 Cromwell, SE, Grand Rapids, Michigan	1	December 3, 2003
926 Franklin Street, SE, Grand Rapids, Michigan	1	June 16, 2005
1000 Union, SE, Grand Rapids, Michigan	1	October 25, 2005

20. Each of the three contracts referenced in paragraph 19, above, covered a term of occupancy greater than 100-days.

21. Between December 3, 2003 and October 25, 2005, Respondent as the owner of the Apartment Buildings, offered for lease units in his buildings and individuals entered into contracts on the dates listed in paragraph 19, above, to lease those units.

22. Respondent is a lessor, as defined by 40 C.F.R. § 745.103, since he has offered the target housing referenced in paragraph 19, above, for lease.

23. Each individual who signed a lease to pay rent in exchange for occupancy of a unit at the Apartment Buildings, referenced in paragraph 19, above, became a lessee as defined in 40 C.F.R. § 745.103, since he or she entered into an agreement to lease target housing.

24. On May 29, 2007, U.S. EPA advised Respondent by letter that U.S. EPA was planning to file a civil administrative complaint against Respondent for specific alleged violations of Section 1018, and that the complaint would seek a civil penalty. U.S. EPA asked Respondent to identify any factors Respondent thought U.S. EPA should consider before issuing the complaint. If Respondent believed there were financial factors which bore on Respondent's ability to pay a civil penalty, U.S. EPA asked Respondent to submit specific financial documents.

25. On July 2, 2007, Respondent received the pre-filing notice letter referred to in paragraph 24, above. Respondent did not reply to the letter.

26. The Director of the Land and Chemicals Division, U.S. EPA, Region 5, has determined that Respondent has violated the federal regulations regarding the disclosure of lead-based paint and/or lead based paint hazards, 40 C.F.R. Part 745, as described below, and thereby violated Section 409 of TSCA, 15 U.S.C. § 2689.

Count 1

27. Paragraphs 1 through 26, above, are incorporated here by reference.

28. 40 C.F.R. § 745.100 requires, among other things, that the lessor complete the specified disclosure activities before a lessee is obligated under any contract to lease target housing. 40 C.F.R. § 745.113(b)(1) requires the lessor to include, either within each contract or as an attachment to each contract to lease target housing, a Lead Warning Statement.

29. Count 1: Respondent failed to include, either within the contract or as an attachment to the contract for 926 Franklin Street, SE, Apt. #1, Grand Rapids, Michigan, a Lead Warning Statement in the June 16, 2005 contract referenced in paragraph 19, above.

30. Respondent's failure to include, either within each contract or as an attachment to each contract, a Lead Warning Statement for the leasing transaction referenced in paragraph 29, above, constitutes one violation of 40 C.F.R § 745.113(b)(1), 42 U.S.C. § 4852d(b)(5) and Section 409 of TSCA.

Counts 2 - 3

31. Paragraphs 1 through 26, above, are realleged and incorporated here by reference.

32. 40 C.F.R. § 745.100 requires, among other things, that the lessor complete the specified disclosure activities before a lessee is obligated under any contract to lease target housing. 40 C.F.R. § 745.113(b)(2) requires a lessor to include, either within each contract or as an attachment to each contract to lease target housing, a statement disclosing either the presence

of any known lead-based paints and/or lead-based paint hazards in the target housing or a lack of knowledge of such presence before a lessee is obligated under the contract to lease target housing.

33. Count 2: Respondent failed to include, either within the contract or as an attachment to the contract for 926 Franklin Street, SE, Apt. #1, Grand Rapids, Michigan, a statement disclosing the presence of any known lead-based paints and lead-based paint hazards in the target housing or a lack of knowledge of such presence in the June 16, 2005 contract referenced in paragraph 19, above.

34. Count 3: Respondent failed to include, either within the contract or as an attachment to the contract for 1000 Union, SE, Apt. #1, Grand Rapids, Michigan, a statement disclosing the presence of any known lead-based paints and lead-based paint hazards in the target housing or a lack of knowledge of such presence in the June 16, 2005 contract referenced in paragraph 19, above.

35. Respondent's failure to include, either within each contract or as an attachment to each contract, a statement disclosing either the presence of any known lead-based paints and lead-based paint hazards in the target housing or a lack of knowledge of such presence in each contract for each leasing transaction referenced in paragraphs 33 and 34, above, constitutes two violations of 40 C.F.R. § 745.113(b)(2), 42 U.S.C. § 4852d(b)(5) and Section 409 of TSCA.

Counts 4 - 5

36. Paragraphs 1 through 26, above, are realleged and incorporated here by reference.

37. 40 C.F.R. § 745.100 requires, among other things, that the lessor complete the specified disclosure activities before a lessee is obligated under any contract to lease target

housing. 40 C.F.R. § 745.113(b)(3) requires a lessor to include, either within each contract or as an attachment to each contract to lease target housing, a list of any records or reports available to the lessor regarding lead-based paints and/or lead-based paint hazards in the target housing or a statement that no such records exist.

38. Count 4: Respondent failed to include, either within the contract or as an attachment to the contract for 926 Franklin Street, SE, Apt. #1, Grand Rapids, Michigan, a list of any records or reports available to the lessor regarding lead-based paints and/or lead-based paint hazards in the target housing or a statement that no such records exist in the June 16, 2005 contract referenced in paragraph 19, above.

39. Count 5: Respondent failed to include, either within the contract or as an attachment to the contract for 1000 Union, SE, Apt. #1, Grand Rapids, Michigan, a list of any records or reports available to the lessor regarding lead-based paints and/or lead-based paint hazards in the target housing or a statement that no such records exist in the October 25, 2005, contract referenced in paragraph 19, above.

40. Respondent's failure to include, either within each contract or as an attachment to each contract, a list of any records or reports available to the lessor regarding lead-based paints and/or lead-based paint hazards in the target housing, or a statement that no such records exist, for each leasing transaction referenced in paragraph 38 and 39, above, constitutes two violations of 40 C.F.R. § 745.113(b)(3), 42 U.S.C. § 4852d(b)(5) and Section 409 of TSCA.

Count 6

41. Paragraphs 1 through 26, above, are realleged and incorporated here by reference.

42. 40 C.F.R. § 745.100 requires, among other things, that the lessor complete the specified disclosure activities before a lessee is obligated under any contract to lease target housing. 40 C.F.R. § 745.113(b)(4) requires the lessor to include, either within each contract or as an attachment to each contract, a statement by the lessee affirming receipt of the information set out in 40 C.F.R. § 745.113(b)(2) and (b)(3) and the Lead Hazard Information Pamphlet required under 15 U.S.C. § 2696.

43. Count 6: Respondent failed to include, either within the contract or as an attachment to the contract for 926 Franklin Street, SE, Apt. #1, Grand Rapids, Michigan, a statement by the lessee affirming receipt of the information set out in 40 C.F.R. § 745.113(b)(2) and (b)(3) and the Lead Hazard Information Pamphlet required under 15 U.S.C. § 2696 in the June 16, 2005 contract referenced in paragraph 19, above.

44. Respondent's failure to include, either within each contract or as an attachment to each contract, a statement by the lessee affirming receipt of the information set out in 40 C.F.R. § 745.113(b)(2) and (b)(3) and the Lead Hazard Information Pamphlet required under 15 U.S.C. § 2696 for each leasing transactions referenced in paragraph 43, above, constitutes one violation of 40 C.F.R § 745.113(b)(4), 42 U.S.C. § 4852d(b)(5), and Section 409 of TSCA.

Count 7

45. Paragraphs 1 through 26, above, are realleged and incorporated here by reference.

46. 40 C.F.R. § 745.100 requires, among other things, that the lessor complete the specified disclosure activities before a lessee is obligated under any contract to lease target housing. 40 C.F.R. § 745.113(b)(6) requires the lessor to include, either within each contract or as an attachment to each contract to lease target housing, the signatures of the lessor and the

lessee certifying to the accuracy of their statements to the best of their knowledge along with the dates of signature.

47. Count 7: Respondent failed to include, either within the contract or as an attachment to the contract for 926 Franklin Street, SE, Apt. #1, Grand Rapids, Michigan, the signatures of the lessor and the lessee certifying to the accuracy of their statements or the dates of such signature in the June 16, 2005 contract referenced in paragraph 19, above.

48. Respondent's failure to include, either within each contract or as an attachment to each contract, the signatures of the lessor and the lessee certifying to the accuracy of their statements or the dates of such signature for each leasing transactions referenced in paragraph 7, above, constitutes one violation of 40 C.F.R. § 745.113(b)(6), 42 U.S.C. § 4852d(b)(5) and Section 409 of TSCA.

Proposed Civil Penalty

Section 1018 of the Residential Lead-Based Paint Hazard Reduction Act of 1992, 42 U.S.C. § 4852d(b)(5), and 40 C.F.R. Part 745, Subpart F, authorize the Administrator of U.S. EPA to assess a civil penalty under Section 16 of TSCA of up to \$10,000 for each violation of TSCA Section 409. Under the Debt Collection Improvement Act of 1996, 31 U.S.C. § 3701, U.S. EPA increased the maximum penalty to \$11,000 for each such violation occurring after July 28, 1997 (62 Fed. Reg. 35038)(1997). In determining the amount of any civil penalty, Section 16 of TSCA requires U.S. 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, affect on ability to continue to do business, any history of prior such violations, the degree of culpability, and such other factors as justice may require.

U.S. EPA calculates penalties by applying its Section 1018 - Disclosure Rule Enforcement Response Policy dated February 2000 (Response Policy). This Response Policy provides a rational, consistent and equitable calculation methodology for applying the statutory factors to particular cases. As discussed in the Response Policy, the severity of each violation alleged in the complaint is based on the extent to which each violation impairs the ability of a lessee to assess information regarding hazards associated with lead-based paint, and precludes the lessee from making a fully informed decision whether to lease the housing or take appropriate measures to protect against lead-based paint hazards. Factors relevant to assessing an appropriate penalty include information pertaining to a Respondent's ability to pay a penalty, any evidence showing that no lead-based paint exists in the cited housing, and any evidence that Respondent has taken steps to discover the presence of and/or has taken steps to abate lead-based paint and its hazards in subject housing.

As stated in paragraph 24, above, by letter dated May 29, 2007, U.S. EPA advised Respondent that U.S. EPA was planning to file a civil administrative complaint against Respondent for alleged violations of Section 1018 and that Section 1018 authorizes the assessment of a civil administrative penalty. U.S. EPA asked Respondent to identify any factors Respondent thought U.S. EPA should consider before issuing the complaint, and if Respondent believed there were financial factors which bore on Respondent's ability to pay a civil penalty, U.S. EPA asked Respondent to submit specific financial documents.

Respondent did not claim an inability to pay a penalty and has provided no facts or information which would indicate that the penalty should be adjusted for financial or other factors related to the alleged violation.

Based upon an evaluation of the facts alleged in this complaint, the statutory factors enumerated above, and the Response Policy, Complainant proposes that the Administrator assess the following civil penalties against Respondent for the violations alleged in this complaint:

Count 1

42 U.S.C. § 4852d(b)(5)
40 C.F.R. § 745.113(b)(1).....\$10,316

Count 2

42 U.S.C. § 4852d(b)(5)
40 C.F.R. § 745.113(b)(2).....\$7,737

Count 3

42 U.S.C. § 4852d(b)(5)
40 C.F.R. § 745.113(b)(2).....\$774

Count 4

42 U.S.C. § 4852d(b)(5)
40 C.F.R. § 745.113(b)(3).....\$2,279

Count 5

42 U.S.C. § 4852d(b)(5)
40 C.F.R. § 745.113(b)(3).....\$258

Count 6

42 U.S.C. § 4852d(b)(5)
40 C.F.R. § 745.113(b)(4).....\$5,158

Count 7

42 U.S.C. § 4852d(b)(5)
40 C.F.R. § 745.113(b)(6).....\$1,290

Proposed Gravity-Based Civil Penalty.....\$27,812

Rules Governing This Proceeding

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) at 40 C.F.R. Part 22 govern this civil administrative penalty proceeding. Enclosed with the complaint is a copy of the Consolidated Rules.

Filing and Service of Documents

Respondent must file with the Regional Hearing Clerk the original and one copy of each document Respondent intends to include as part of the record in this proceeding. The Regional Hearing Clerk's address is:

Regional Hearing Clerk (E-13J)
U.S. EPA, Region 5
77 West Jackson Boulevard
Chicago, Illinois 60604

Respondent must serve a copy of each document filed in this proceeding on each party pursuant to Section 22.5 of the Consolidated Rules. Complainant has authorized Reginald Pallesen to receive any answer and subsequent legal documents that Respondent serves in this proceeding. You may telephone Mr. Pallesen at (312) 886-0555. His address is:

Reginald Pallesen
Associate Regional Counsel (C-14J)
U.S. EPA, Region 5
77 West Jackson Boulevard
Chicago, Illinois 60604

Penalty Payment

Respondent may resolve this proceeding at any time by paying the proposed penalty by certified or cashier's check payable to Treasurer, United States of America and by delivering the check to:

U.S. EPA, Region 5
Fines and Penalties
Cincinnati Finance Center
P.O. Box 979077
St. Louis, MO 63197-9000

Respondent must include the case name and docket number on the check and in the letter transmitting the check. Respondent simultaneously must send copies of the check and transmittal letter to Reginald Pallesen and to:

Pamela Grace, PTCS (LC-8J)
U.S. EPA, Region 5
77 West Jackson Boulevard
Chicago, Illinois 60604

Opportunity to Request a Hearing

The Administrator must provide an opportunity to request a hearing to any person against whom the Administrator proposes to assess a penalty under Section 16(a) of TSCA, 15 U.S.C. § 2615(a). Respondent has the right to request a hearing on any material fact alleged in the complaint, or on the appropriateness of the proposed penalty, or both. To request a hearing, Respondent must specifically make the request in its answer, as described below.

Answer

Respondent must file a written answer to this complaint if Respondent contests any material fact of the complaint; contends that the proposed penalty is inappropriate; or contends

that he is entitled to judgment as a matter of law. To file an answer, Respondent must file the original written answer and one copy with the Regional Hearing Clerk at the address specified above, and must serve copies of the written answer on the other parties. If Respondent chooses to file a written answer to the complaint, in accordance with Section 22.14(c) of the Consolidated Rules, he must do so within 30 calendar days after receiving the complaint. In counting the 30-day time period, the date of receipt is not counted, but Saturdays, Sundays and federal legal holidays are counted. If the 30-day time period expires on a Saturday, Sunday or federal legal holiday, the time period extends to the next business day.

Respondent's written answer must clearly and directly admit, deny or explain each of the factual allegations in the complaint or must state clearly that Respondent has no knowledge of a particular factual allegation. Where Respondent states that he has no knowledge of a particular factual allegation, the allegation is deemed denied. Respondent's failure to admit, deny or explain any material factual allegation in the complaint constitutes an admission of the allegation. Respondent's answer must also state:

- a. the circumstances or arguments which Respondent alleges constitute grounds of defense;
- b. the facts that Respondent disputes;
- c. the basis for opposing the proposed penalty; and
- d. whether Respondent requests a hearing.

If Respondent does not file a written answer within 30-calendar-days after receiving this complaint, the Presiding Officer may issue a default order, after motion, under Section 22.17 of the Consolidated Rules. Default by Respondent constitutes an admission of all factual

allegations in the complaint and a waiver of the right to contest the factual allegations. Respondent must pay any penalty assessed in a default order without further proceedings 30-days after the order becomes the final order of the Administrator of U.S. EPA under Section 22.27(c) of the Consolidated Rules.

Settlement Conference

Whether or not Respondent requests a hearing, Respondent may request an informal settlement conference to discuss the facts of this proceeding and to arrive at a settlement. To request an informal settlement conference, Respondent may contact Reginald Pallesen at the address provided above.

Respondent's request for an informal settlement conference does not extend the 30-calendar-day period for filing a written answer to this complaint. Respondent may pursue simultaneously the informal settlement conference and the adjudicatory hearing process. U.S. EPA encourages all parties facing civil penalties to pursue settlement through an informal conference. U.S. EPA, however, will not reduce the penalty simply because the parties hold an informal settlement conference.

Continuing Obligation to Comply

Neither the assessment nor payment of a civil penalty will affect Respondent's continuing obligation to comply with TSCA and any other applicable federal, state, or local law.

Consent Agreement and Final Order

U.S. EPA has authority, where appropriate, to modify the amount of the proposed penalty to reflect any settlement reached with you in an informal conference. The terms of the settlement

would be embodied in a Consent Agreement and Final Order. A Consent Agreement signed by both parties is binding when the Regional Administrator signs the Consent Order.

By: Richard C. Kal for
Margaret M. Guerriero, Director
Land and Chemicals Division

Dated: 10-15-07

TSCA-05-2008-0001

CERTIFICATE OF SERVICE

I hereby certify that a copy of the original signed copy of the Complaint in resolution of the civil administrative action involving John Strong, was filed on October 17, 2007, with the Regional Hearing Clerk (E-13J), United States Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604-3590, and that I mailed by Certified Mail, Receipt No. 7001 0320 0005 8931 9561, a copy of the original to the Respondent:

John Strong
1523 Eastern Avenue SE
Grand Rapids, Michigan 49507

and forwarded copies (intra-Agency) to:

Marcy Toney, Regional Judicial Officer, ORC/C-14J
Reginald Pallesen, Counsel for Complainant/C-14J



Elizabeth Lytle
Pesticides and Toxics Compliance Section
U.S. EPA - Region 5
77 West Jackson Boulevard
Chicago, Illinois 60604-3590

Docket No. TSCA-05-2008-0001

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REGIONAL HEARING CLERK