

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION I

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Docket Number TSCA-01-2008-0113

EPA ORC
OFFICE OF
REGIONAL HEARING CLERK

IN THE MATTER OF:)
)
Peter Fondini,)
Joanne Fondini,)
Timothy P. Gorman,)
Stephen B. Matthews, Jr.,)
John W. Matthews,)
Amy Matthews,)
Clover Leaf Realty, Inc.,)
Fast Track Realty, LLC,)
Four Plus, LLC,)
Main Street Realty Corporation, and,)
Stonewall Realty, Inc.,)
Respondents.)

**RESPONDENT REQUESTS A HEARING
PURSUANT TO 15 U.S.C. §2615(2)(A).**

Proceeding under Section 16(a) of the of the Toxic Substances Control Act, 42 U.S.C. § 2615(a)

ANSWER OF RESPONDENT FOUR PLUS, LLC

NOW COMES FOUR PLUS, LLC, and submits the following Answer in response to the Administrative Complaint filed by the enforcement manager. **THE RESPONDENT HEREBY REQUESTS A HEARING ON THE MATERIAL FACTS DENIED BY THIS ANSWER AND ON THE APPROPRIATENESS OF THE PROPOSED PENALTY.**

1. The allegations contained in the complaint are Admitted.
2. Respondent desires a settlement conference and to enter into a consent agreement.
3. Respondent denies that the proposed penalty is appropriate.

NOTICE OF DEFENSES

1. Four Plus LLC was dissolved on February 19, 2008 and has no assets or legal authority to respond to the complaint.
2. The gravity of the violations has been miscalculated in that the "circumstances" used to calculate the civil penalty maybe incorrect and/or the extent of the harm may be incorrect. No claims were filed against the Respondent for any childhood lead poisoning, and therefore upon information and belief, the overall intent of the Act has been maintained.

3. The extent of the harm has been miscalculated, as most violations were “Minor” as that term is defined in the EPA literature.
4. Upon information and belief, the age of certain occupants has been misstated such that the extent of the harm has been overrated. Respondent seeks an opportunity to obtain the proper age information and present the same to the Complainant.
5. The proposed penalty is inappropriate because the Complainant has failed properly to assess the Respondent’s ability to pay. Respondent lacks ability to pay.
6. The Respondent hopes to provide the Complainant with information with appropriate documentation that clearly demonstrates that any target housing is and/or was lead free, and/or interior lead-based paint free.
7. The Respondent no longer has any ownership interest in any of the properties relating to the alleged violations.
8. The Respondent has fully cooperated in the investigation of this matter by supplying all known information of the Complainant, and as such has demonstrated a cooperative “Attitude.”

Respectfully submitted,
Four Plus, LLC

By: Stephen Matthews
Stephen Matthews, former member
7 Central Ave.
Bradford MA 01835

CERTIFICATE OF SERVICE

I hereby certify that an original and one true copy of the above document was served by first class mail postage prepaid/in hand on October 24, 2009, upon the following persons:

Ms. Wanda Santiago
Regional Hearing Clerk
U.S. Environmental Protection Agency- Region 1
One Congress Street, Suite 1100 (RAA)
Boston MA 02114-2023

With a copy to:

Peter DeCambre, Esq.
Office of Environmental Stewardship
U.S. Environmental Protection Agency- Region 1
One Congress Street, Suite 1100 (Mail Code: SES)
Boston MA 02114-2023

Dated:

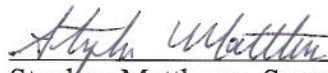


Stephen Matthews

term is defined in the EPA literature.

3. Upon information and belief, the age of certain occupants has been misstated such that the extent of the harm has been overrated. Respondent seeks an opportunity to obtain the proper age information and present the same to the Complainant.
4. The proposed penalty is inappropriate because the Complainant has failed properly to assess the Respondent's ability to pay. Respondent lacks ability to pay.
5. The Respondent hopes to provide the Complainant with information with appropriate documentation that clearly demonstrates that any target housing is and/or was lead free, and/or interior lead-based paint free.
6. The Respondent no longer has any ownership interest in any of the properties relating to the alleged violations.
7. The Respondent has fully cooperated in the investigation of this matter by supplying all known information of the Complainant, and as such has demonstrated a cooperative "Attitude."

Respectfully submitted,
Stonewall Realty, Inc.



Stephen Matthews, Secretary
7 Central Ave.
Bradford MA 01835

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October 24, 2009

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