

72 above.

Counts 5-9

74. This is an incorporation paragraph to which no response is required.

75. Denied as a conclusion of law to which no further response is required. Without waiving the foregoing, Respondent did not provide a "Lead Warning Statement" for Lease Transactions #1, #6 and #11. Respondent was not obligated to provide a "Lead Warning Statement" for Lease Transaction #10 as the subject premises had been certified lead base paint free by a appropriately certified inspector on October 12, 2005. Respondent is unable to locate a copy of Lease Transaction #2, therefore Respondent is unable to admit or deny the allegations contained in paragraph 75 relative to Lease Transaction #2 and therefore, strict proof thereof is demanded.

76. Denied as a conclusion of law to which no further response is required. Without waiving the foregoing, Respondent incorporates by reference his response to paragraph 75 above.

Counts 10-14

77. This is an incorporation paragraph to which no response is required.

78. Denied as a conclusion of law to which no further response is required. Without waiving the foregoing, Respondent did not provide a statement disclosing the presence of known lead-based paint. Without waiving the foregoing, Respondent did not have any knowledge regarding lead based paint or lead based paint hazards in the referenced units. With respect to Lease Transaction #10, the referenced unit had been certified as lead-based paint free on October 12, 2005 and is therefore exempt from the requirements set out in sub Chapter F, including 40 C.F.R. §745.13(b)(2).

79. Denied as a conclusion of law to which no further response is required.

Counts 15-25

80. This is an incorporation paragraph to which no response is required.

81. Denied as a conclusion of law to which no further response is required. Without waiving the foregoing, the Lease for Transaction #1 does not appear to include a statement by a lessee affirming receipt of lead hazard information pamphlet, however Lease Transactions #7, #9, #12 and #13 do in fact contain a reference regarding the receipt of lead hazard information pamphlet. Lease Transactions #7, #9, #12 and #13 each contain reference to tenant having received a lead hazard information pamphlet entitled, "Protect your Family from Lead in your Home". The form of the leases incorrectly directs the tenant to initial one of the three statements, rather than each statement that applies. The statements provide in each of the leases for Lease Transactions #7, #9, #12 and #13, provide as follows:

(1) Tenant received a lead hazard information pamphlet entitled, **Protect Your Family From Lead in Your Home.**

(2) Tenant read the information the landlord gave in paragraph above.

(3) Tenant received all records and reports and that landlord listed in paragraph above.

Rather than direct the tenant to initial one of those three options, tenant should have been directed to check each that apply as each of the three statements was in fact complied with by the Respondent. With respect to Lease Transaction #14, Respondent is unable to locate a copy of the Lease, however, given the date of the Lease and the form used by Respondent at the time that lease was to have been executed, January 9, 2006, Respondent believes that the tenant was

properly provided with the appropriate lead hazard information pamphlet and that the lease form would properly have reflected tenant's receipt of the same.

82. Denied as a conclusion of law to which no response is required. Without waiving the forgoing, Respondent incorporates by reference his response to Paragraph 81, above.

Count 26

83. This is an incorporation paragraph to which no further response is required.

84. Denied as a conclusion of law to which no response is required. Without waiving the foregoing, Respondent is unable to locate a copy of Lease Transaction #8, however, given the referenced date for that lease, Respondent does believe that the required signatures of lessor and lessee certifying the required certifications, were in fact provide in the referenced lease transaction.

85. Denied as a conclusion of law to which no further response is required.

IV. PROPOSED CIVIL PENALTY.

Respondent contests the method and manner of calculation regarding the proposed civil penalty. The forgoing factual averments indicate that many of the proposed civil penalty calculations are based on disputed facts. In addition, Respondent has made every reasonable effort to address all legal requirements regarding the reference housing units by working closely with the Lancaster City representatives as well as EPA's representatives to address any perceived deficiencies.

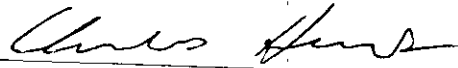
Respondent is prepared to address the proposed civil penalty calculations on a point by point basis at an informal conference and/or formal hearing, as appropriate.

Respondent hereby requests an opportunity for a hearing by copy of this Answer served to the following:

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

BARLEY SNYDER LLC

By:

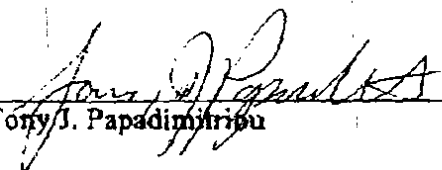


Charles B. Haws, Esquire
Attorneys for Respondent
501 Washington Street
P.O. Box 942
Reading, PA 19603-0942
610-376-6651

VERIFICATION

TONY J. PAPADIMITRIOU, verifies that he has reviewed the forgoing document and that the facts contained therein are true and correct to the best of his knowledge, information and belief. He understands that false statements herein are made subject to the penalties of 18 Pa.C.S.A. Section 4904 relating to unsworn falsification to authorities.

Date: May 20, 2008



Tony J. Papadimitriou

CERTIFICATE OF SERVICE

I hereby certify that on this date I served a true and correct copy of the foregoing Answer to Complaint by depositing a copy of same in the United States Mail, first class, postage prepaid, addressed as follows:

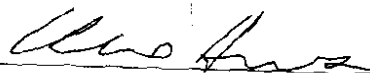
Jeffrey S. Nast, Esquire
Office of Regional Counsel (3RC0)
U.S. Environmental Protection Agency, Region III
1650 Arch Street
Philadelphia, PA 19103-2029

Abraham Ferdas, Director
Waste and Chemicals Management Division
U.S. Environmental Protection Agency, Region III
1650 Arch Street
Philadelphia, PA 19103-2029

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

BARLEY SNYDER LLC

Date: 5/20/2008

By: 

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Reading, PA 19603-0942
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