



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

JUL 23 2013

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Michael Williams
Managing Attorney
Fowler, Hein, Cheatwood & Williams P.A.
2970 Clairmont Road, Suite 220
Atlanta, Georgia 30329

Re: WCRT Seller, LLC d/b/a Concord Chase Apartments
Ratified Consent Agreement and Final Order
Docket No. TSCA-04-2013-2647(b)

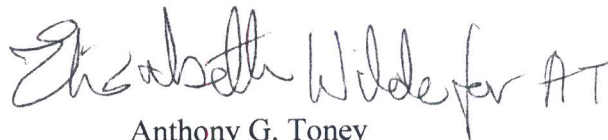
Dear Mr. Williams:

Enclosed is a copy of the ratified Consent Agreement and Final Order (CAFO) in the above-referenced matter. The original CAFO has been filed with the Regional Hearing Clerk and served on the parties as directed in Section 22.6 of the Consolidated Rules of Practice, 40 C.F.R. Part 22. Please inform your client that payment is required in accordance with Section V of the CAFO, and the penalty information along with payment instructions are listed there.

Also enclosed is a copy of a document entitled "Notice of Securities and Exchange Commission Registrants' Duty to Disclose Environmental Legal Proceedings." This document puts your client on notice of its potential duty to disclose to the Securities and Exchange Commission any environmental enforcement actions taken by the U. S. Environmental Protection Agency Region 4. Where used in the document "SEC" refers to the Securities and Exchange Commission.

Should you or your client have any questions about this matter or the company's compliance status in the future, please contact Mrs. Lippitt of the EPA Region 4 staff at (404) 562-8983 or price-lippitt.andrea@epa.gov.

Sincerely,

A handwritten signature in black ink that reads "Elizabeth Wilde for AT". The signature is written in a cursive style.

Anthony G. Toney
Chief
Pesticides and Toxic
Substances Branch

Enclosures

cc: WCRT Seller, LLC and Tribridge Residential

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 4
ATLANTA, GEORGIA

RECEIVED
EPA REGION IV
2013 JUL 23 PM 3:27
HEARING CLERK

In the Matter of:)
)
WCRT Seller LLC and TriBridge)
Residential)
)
)
Respondents)
)
_____)

Docket No.: TSCA-04-2012-264 (b)

CONSENT AGREEMENT AND FINAL ORDER

I. Nature of the Action

1. This is a civil penalty proceeding pursuant to Section 16(a) of the Toxic Substances Control Act (TSCA), 15 U.S.C. § 2615(a), and pursuant to the Consolidated Rules of Practice Governing Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits (Consolidated Rules), 40 C.F.R. Part 22. The authority to take action under Section 16(a) of TSCA, 15 U.S.C. § 2615(a) is vested in the Administrator of the United States Environmental Protection Agency. The Administrator of the EPA has delegated this authority under TSCA to the Regional Administrator of the EPA Region 4 by the EPA Delegation 12-2-A, dated May 11, 1994. The Regional Administrator of the EPA Region 4 has re-delegated this authority under TSCA to the Director of the Air, Pesticides, and Toxics Management Division, by the EPA Region 4 Delegation 12-2-A, dated January 14, 2009. In accordance with 40 C.F.R. § 22.3(a), the Complainant in this matter is the Director of the Air, Pesticides, and Toxics Management Division. Respondents are WCRT Seller LLC and TriBridge Residential.

WCRT Seller LLC is the former owner of Concord Chase Apartments, and TriBridge Residential is the former property management company for Concord Chase Apartments.

2. Complainant and Respondents have conferred for the purpose of settlement pursuant to 40 C.F.R. § 22.18 and desire to resolve this matter and settle the allegations described herein without a formal hearing. Therefore, without the taking of any evidence or testimony, the making of any argument, or the adjudication of any issue in this matter, and in accordance with 40 C.F.R. § 22.13(b), this Consent Agreement and Final Order (CAFO) will simultaneously commence and conclude this matter.

II. Preliminary Statements

3. The Administrator of the EPA promulgated regulations at 40 C.F.R. Part 745, Subpart F under the authority of Section 1018 of the Residential Lead-Based Paint Hazard Reduction Act of 1992, 42 U.S.C. § 4852d, also known as Title X of the Housing and Community Development Act of 1992. Pursuant to Title X, it is a prohibited act under Section 409 of TSCA, 15 U.S.C. § 2689, for any person to fail or refuse to comply with a provision of Title X or any rule or order issued under Title X.
4. Pursuant to Section 16 of TSCA, 15 U.S.C. § 2615, the penalty for each violation of Title X of TSCA shall not exceed \$10,000. The Debt Collection Improvement Act of 1996 requires the EPA to review and adjust penalties, as necessary, for inflation at least once every four years. As such, pursuant to the Adjustment of Civil Monetary Penalties for Inflation Rule, 40 C.F.R. Part 19, the revised maximum penalty for each violation of Title X occurring after January 30, 1997, through January 12, 2009, is \$11,000 and for each violation occurring after January 12, 2009, the maximum penalty is \$16,000.

5. Pursuant to 40 C.F.R. § 22.5(c)(4) the following individual is authorized to receive service for the EPA in this proceeding:

Andrea Lippitt
Lead and Children's Health Section
U.S. EPA Region 4
61 Forsyth Street
Atlanta, Georgia 30303-8960
(404) 562-8983.

III. Specific Allegations

6. Respondents were Lessors, as defined at 40 C.F.R. § 745.103, of residential housing located at 300 Hurt Road, Smyrna, Georgia, known as the Concord Chase Apartments. These residential units are "target housing," as defined at 40 C.F.R. § 745.103.
7. Based on leases obtained by the EPA on or about July 14, 2010, regarding Respondents' contracts to lease its target housing described above during the time that Respondents owned or managed the property, the EPA alleges that the Respondents violated Section 409 of TSCA and 40 C.F.R. Part 745, Subpart F as follows:
- a. Pursuant to 40 C.F.R. § 745.113(b)(5), each contract to lease target housing shall include, as an attachment to or within the contract, a statement by one or more Agents involved in the transaction to lease target housing that the Agent(s) has informed the Lessor of the Lessor's obligations and that the Agent(s) is aware of his duty to ensure compliance. Respondents failed to include the appropriate information in at least one lease.

IV. Consent Agreement

8. For the purposes of this CAFO, Respondents admit the jurisdictional allegations set forth above and neither admits nor denies the factual allegations set forth above.

9. Respondents waive their right to a hearing on the allegations contained herein and their right to appeal the proposed Final Order accompanying the Consent Agreement.
10. Respondents consent to the assessment of the penalty proposed by the EPA and agree to pay the civil penalty as set forth in this CAFO.
11. Respondents certify that as of the date of their execution of this CAFO, they are in compliance with all relevant requirements of 40 C.F.R. Part 745, Subpart F.
12. Compliance with this CAFO shall resolve the allegations of the violations contained herein. This CAFO shall not otherwise affect any liability of Respondents to the United States. Other than as expressed herein, neither the EPA or Complainant waives any right to bring an enforcement action against Respondents for violation of any federal or state statute, regulation or permit, to initiate an action for imminent and substantial endangerment, or to pursue criminal enforcement.
13. Complainant and Respondents agree to settle this matter by their execution of this CAFO. The parties agree that the settlement of this matter is in the public interest and that this CAFO is consistent with the applicable requirements of TSCA.

V. Final Order

14. Respondents are assessed a civil penalty of **Five Hundred and Eighty Dollars (\$580.00)** which shall be paid within thirty (30) days of the effective date.
15. Payment of the penalty shall be made by either a cashier's or certified check made payable to the "Treasurer, United States of America."

The Respondent's name and the Docket Number associated with this CAFO must be noted on the face of the check.

The penalty payment shall be sent by one of the methods below.

Address for payment submittal using the United States Postal Service:

U.S. Environmental Protection Agency
Fines and Penalties
Cincinnati Finance Center
P.O. Box 979077
St. Louis, Missouri 63197-9000.

Other delivery service (e.g., Federal Express, United Parcel Service, DHL, etc.)
using the following address:

U.S. Bank
1005 Convention Plaza
Mail Station SL-MO-C2GL
St. Louis, Missouri 63101
Contact Number - (314) 418-1028.

16. At the time of payment, the Respondents shall send a separate copy of the check and a written statement that the payment is being made in accordance with this CAFO, to the following persons at the following addresses:

Regional Hearing Clerk
U.S. EPA Region 4
61 Forsyth Street
Atlanta, Georgia 30303-8960;

Andrea Lippitt
Lead and Children's Health Section
U.S. EPA Region 4
61 Forsyth Street
Atlanta, Georgia 30303-8960; and

Saundi J. Wilson
Office of Environmental Accountability
U.S. EPA Region 4
61 Forsyth Street
Atlanta, Georgia 30303-8960.

17. For the purposes of state and federal income taxation, Respondents shall not be entitled, and agree not to attempt, to claim a deduction for any civil penalty payment pursuant to this CAFO. Any attempt by Respondents to deduct any such payments shall constitute a violation of this CAFO.

18. Pursuant to 31 U.S.C. § 3717, the EPA is entitled to assess interest and penalties on debts owed to the United States and a charge to cover the cost of processing and handling a delinquent claim. Interest will therefore begin to accrue on the civil penalty from the date of entry of this CAFO, if the penalty is not paid by the date required. A charge will also be assessed to cover the administrative costs, both direct and indirect, of overdue debts. In addition, a late payment penalty charge shall be applied on any principal amount not paid within 90 days of the due date.
19. Complainant and Respondents shall bear their own costs and attorney fees in this matter.
20. This CAFO shall be binding upon the Respondents, their successors and assigns.
21. Each undersigned representative of the parties to this CAFO certifies that he or she is fully authorized by the party represented to enter into this CAFO and legally binds that party to this CAFO.

The remainder of this page intentionally left blank.

VI. Effective Date

22. The effective date of this CAFO shall be the date on which the CAFO is filed with the Regional Hearing Clerk.

AGREED AND CONSENTED TO:

Respondents: ^{WVRT Seller LLC}
~~WCRT, LLC~~ and TriBridge Residential
Docket No.: TSCA-04-2012-2647(b)

By:  Date: 5/6/2013

Name: ~~WCRT, LLC~~ ^{WVRT Seller LLC} - Henry Bieber

Title: ^{dw3} Vice President

By:  Date: 4.25.2013

Name: TriBridge Residential - Michael Wenzel

Title: Executive V.P.

Complainant: U.S. ENVIRONMENTAL PROTECTION AGENCY

By:  Date: 6/14/2013

Beverly H. Banister, Director
Air, Pesticides and Toxics
Management Division

APPROVED AND SO ORDERED this 23 day of July, 2013.

By: 
Susan B. Schub
Regional Judicial Officer

CERTIFICATE OF SERVICE

I hereby certify that on the date set out below, I filed the original and one copy of the foregoing Consent Agreement and Final Order and served a true and correct copy of the foregoing Consent Agreement and Final Order, In the Matter of WCRT, LLC and TriBridge Residential, Docket Number: TSCA-04-2012-2647(b), to the addressees listed below:

Henry Bieber, Vice President (via Certified Mail, Return Receipt Requested)
WCRT Seller, LLC
1575 Northside Dr, Bldg 100, Ste 200
Atlanta, GA 30318

Tazha Moore, Vice President (via Certified Mail, Return Receipt Requested)
Property Management Division
TriBridge Residential
1575 Northside Dr, Bldg 100, Ste 200
Atlanta, GA 30318

J. Mike Williams, Esq., Managing Attorney (via Certified Mail, Return Receipt Requested)
Fowler, Hein, Cheatwood & Williams P.A.
2970 Clairmont Road, Suite 220
Atlanta, Georgia 30329

Andrea Lippitt (via EPA's internal mail)
Lead and Children's Health Section
U.S. EPA Region 4
61 Forsyth Street
Atlanta, Georgia 30303-8960

Robert Caplan, Senior Attorney (via EPA's internal mail)
Office of Environmental Accountability
U.S. EPA Region 4
61 Forsyth Street
Atlanta, Georgia 30303-8960



Patricia Bullock, Regional Hearing Clerk
U.S. Environmental Protection Agency, Region 4
61 Forsyth Street
Atlanta, Georgia 30303-8960
(404) 562-9511

Date: 7-23-13