

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 1**

In the Matter of:)	
)	ADMINISTRATIVE COMPLAINT
)	AND
)	NOTICE OF
)	OPPORTUNITY FOR HEARING
Charles Bridge, LLC)	
P.O. Box 628)	
Old Lyme, CT 06371)	
)	
Respondent.)	Docket No. TSCA-01-2022-0027
)	
Proceeding under Section 16(a) of the)	
Toxic Substances Control Act,)	
15 U.S.C. § 2615(a))	

I. STATEMENT OF AUTHORITY

1. Complainant, the United States Environmental Protection Agency, Region 1 (“EPA”), issues this administrative Complaint and Notice of Opportunity for Hearing pursuant to Section 16(a) of the Toxic Substances Control Act (“TSCA”), 15 U.S.C. § 2615(a), 40 C.F.R. § 745.118, and the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits (“Consolidated Rules of Practice”), 40 C.F.R. Part 22.

II. NATURE OF THE ACTION

2. This Complaint notifies Charles Bridge, LLC (“Respondent”) that EPA has determined that Respondent has violated Section 409 of TSCA, 15 U.S.C. § 2689, the Residential Lead Based Paint Hazard Reduction Act of 1992 (“the Act”), 42 U.S.C. § 4851 *et seq.*, and the federal regulations promulgated thereunder, entitled “Disclosure of Known Lead

Based Paint and/or Lead Based Paint Hazards Upon Sale or Lease of Residential Property,” as set forth at 40 C.F.R. Part 745, Subpart F (the “Disclosure Rule”). EPA seeks civil penalties pursuant to Section 16 of TSCA, 15 U.S.C. § 2615, which provides that violations of TSCA Section 409, 15 U.S.C. § 2689, are subject to the assessment by EPA of civil and/or criminal penalties.

III. STATUTORY AND REGULATORY BASIS

3. In 1992, Congress passed the Act in response to findings that low-level lead poisoning is widespread among American children, that pre-1980 American housing stock contains more than three million tons of lead in the form of lead-based paint (“LBP”), and that the ingestion of lead from deteriorated or abraded LBP is the most common cause of lead poisoning in children. One of the stated purposes of the Act is to ensure that the existence of LBP hazards is considered in the rental of homes and apartments.

4. In 1996, EPA promulgated regulations to implement the Act. These regulations are set forth at 40 C.F.R. Part 745, Subparts E and F.

5. Pursuant to Section 401(17) of TSCA, as amended, 15 U.S.C. § 2681(17), the housing stock addressed by the Act and the Disclosure Rule is “target housing,” defined as any housing constructed prior to 1978, except housing for the elderly or persons with disabilities or any 0-bedroom dwelling (unless any child who is less than 6 years of age resides or is expected to reside in such housing). *See* 40 C.F.R. § 745.103.

6. Pursuant to 40 C.F.R. § 745.103, “lessor” means any entity that offers target housing for lease, rent, or sublease.

7. The LBP Disclosure Rule regulations set forth at 40 C.F.R. Part 745, Subpart F, require that the lessors of target housing must take the following actions, among others, prior to lessees becoming obligated to lease target housing:

- a. Provide to lessees an EPA-approved lead hazard information pamphlet;
- b. Include, either within or as an attachment to the lease contract, a Lead Warning Statement;
- c. Ensure that the contract to lease includes a statement by the lessor disclosing the presence of known lead-based paint and/or lead-based paint hazards, or indicating no knowledge thereof; and,
- d. Ensure that the contract to lease includes a list of available records or reports pertaining to lead-based paint and/or lead-based paint hazards or, otherwise, indicates no such records or reports are available.

See 40 C.F.R. §§ 745.100, 745.103, 745.107(a)(1) and 745.113(b)(1)-(3).

8. Pursuant to Section 1018(b)(5) of the Act, 42 U.S.C. § 4852d(b)(5), and 40 C.F.R. § 745.118(e), each failure to comply with a requirement of the Disclosure Rule is a violation of Section 409 of TSCA.

9. Pursuant to Section 16(a)(1) of TSCA, 15 U.S.C. § 2615(a)(1), any person who violates a provision of Section 409 of TSCA shall be liable to the United States for a civil penalty.

10. Section 1018(b)(5) of the Act and 40 C.F.R. § 745.118(f) provide that, for purposes of enforcing the Disclosure Rule under TSCA, the penalty for each violation shall be no more than \$10,000. Pursuant to the Civil Penalties Inflation Adjustment Act Improvements Act of 2015, 28 U.S.C. § 2461, the Debt Collection Improvement Act and 40 C.F.R. Part 19, the

maximum penalty for each violation that occurred on or after November 2, 2015, and that is assessed on or after January 12, 2022, is \$19,507 (*See* 87 Fed. Reg.1,676, January 12, 2022).

IV. GENERAL ALLEGATIONS

11. Respondent is a limited liability company organized under the laws of the State of Maine. Respondent owns and manages multiple residential buildings in Bangor, Maine including a unit located at 308 Union Street, Bangor, Maine.

12. At times relevant to the allegations in this CAFO, Respondent owned and offered for lease a residential apartment unit located at 308 Union Street, Bangor, Maine. One child, age 1, was resident.

13. Pursuant to 40 C.F.R. § 745.103, Respondent was and is the “lessor” of the unit located at 308 Union Street, Bangor, Maine referenced in Paragraph 12 above.

14. The property identified in Paragraph 12 above is target housing as defined in Section 401(17) of TSCA and 40 C.F.R. § 745.103. Furthermore, this residential unit does not satisfy the requirements for an exemption under the provisions of the Act, TSCA (including 15 U.S.C. § 2681(17)).

15. On September 16, 2020, EPA issued an Information Request Letter (“IRL”) to Respondent. The IRL sought records and other information relating to Respondent’s compliance with Disclosure Rule requirements.

16. On September 30, 2020, in response to the IRL, Respondent submitted information regarding the residential property described in Paragraph 12. Respondent also provided EPA with leases, inspection reports, and disclosure forms for Respondent’s other properties. Further EPA investigation indicated a child, age 1, resided in the residential property described in Paragraph 12 at the time of Respondent’s response to the IRL.

17. Based upon EPA's review of information and documents obtained from Respondent and EPA's subsequent investigation of the facts and circumstances underlying the violations, EPA has identified the violations of TSCA, the Act and the Disclosure Rule described below.

V. VIOLATIONS

18. Each of the four violations alleged below is a prohibited act under TSCA Section 409, 15 U.S.C. § 2689, and 40 C.F.R. § 745.118(e), and each is a violation for which penalties may be assessed pursuant to Section 16 of TSCA, 15 U.S.C. § 2615.

Count One

Failure to Provide Lessee with an EPA-Approved Lead Hazard Information Pamphlet

19. Paragraphs 1 through 18, above, are incorporated by reference as if fully set forth herein.

20. Pursuant to 40 C.F.R. § 745.107(a)(1), a lessor is required to provide a lessee, before the lessee is obligated under any contract to lease target housing, with an EPA-approved lead hazard information pamphlet (*Protect Your Family From Lead in Your Home*) or an equivalent pamphlet that has been approved for use in particular states by EPA.

21. Respondent failed to provide the lessee who became obligated to rent an apartment at 308 Union Street on or about March 24, 2020, with an EPA-approved lead hazard information pamphlet before the tenant entered into a contract to lease target housing.

22. Respondent's failure to provide the lessee of target housing with an EPA-approved lead hazard information pamphlet prior to the lessee becoming obligated under a contract to lease target housing violated 40 C.F.R. § 745.107(a)(1) and TSCA Section 409, 15 U.S.C. § 2689.

Count Two

Failure to Include a Lead Warning Statement

23. Paragraphs 1-22, above, are incorporated by reference as if fully set forth herein.

24. Pursuant to 40 C.F.R. § 745.113(b)(1), a lessor must ensure that before the lessee is obligated under any contract to lease target housing, each contract to lease target housing includes a Lead Warning Statement within, or as an attachment to, the contract.

25. Respondent failed to include a Lead Warning Statement within or attached to its contract with the lessee who became obligated to rent an apartment at 308 Union Street on or about March 24, 2020.

26. Respondent's failure to include a Lead Warning Statement within or attached to a lease contract to lease target housing violated 40 C.F.R. § 745.113(b)(1) and TSCA Section 409.

Count Three

*Failure to Disclose the Presence of Known Lead-Based Paint/Hazards or
Indicating No Knowledge Thereof*

27. Paragraphs 1 through 26, above, are incorporated by reference as if fully set forth herein.

28. Pursuant to 40 C.F.R. § 745.113(b)(2), a contract to lease target housing must include as an attachment to or within the lease contract a statement by the lessor disclosing the presence of known lead-based paint and/or lead-based paint hazards in the target housing being leased, or indicating no knowledge of the presence of lead-based paint and/or lead-based paint hazards.

29. Respondent failed to include, as an attachment to or within the lease contract with the lessee who became obligated to rent an apartment at 308 Union Street on or about March 24, 2020, a statement disclosing the presence of known lead-based paint and/or lead-based paint

hazards in the target housing being leased or indicating the lack of knowledge of the presence of lead-based paint and/or lead-based paint hazards.

30. Respondent's failure to include as an attachment to or within the lease contract, a statement by the lessor disclosing the presence of known lead-based paint and/or lead-based paint hazards in the target housing being leased or indicating no knowledge of the presence of lead-based paint and/or lead-based paint hazards violated 40 C.F.R. § 745.113(b)(2), and TSCA Section 409.

Count Four

Failure to Include a List of Records/Reports Pertaining to Lead-Based Paint or Lead-Based Paint Hazards in The Housing, or Failure to Indicate That No Such Records Exist

31. Paragraphs 1 through 30, above, are incorporated by reference as if fully set forth herein.

32. Pursuant to 40 C.F.R. § 745.113(b)(3), a lessor must ensure that before a lessee is obligated under any contract to lease target housing, the contract to lease target housing includes within or as an attachment to the contract a list of any records or reports available pertaining to lead-based paint and/or lead-based paint hazards in the target housing being leased or, if no such records or reports are available, the lessor shall so indicate.

33. Respondent did not include, within or attached to the contract to lease the apartment at 308 Union Street on or about March 24, 2020, a list of available records or reports pertaining to lead-based paint and/or lead-based paint hazards or an indication that no such records or reports are available.

34. Respondent's failure to include a list of records or reports pertaining to lead-based paint or lead-based paint hazards, or a statement indicating none is available, within or attached

to a lease contract to rent target housing violated 40 C.F.R. § 745.113(b)(3), and TSCA Section 409.

VI. PROPOSED CIVIL PENALTY

35. Based on the violations alleged in this Complaint, EPA seeks to assess a total civil penalty of fifty-six thousand one hundred nine dollars (\$56,109) against Respondent. The proposed civil penalty has been determined in accordance with Section 16 of TSCA, 15 U.S.C. § 2615, the provisions of 40 C.F.R. § 745.118(f), as well as the Civil Penalties Inflation Adjustment Act Improvements Act of 2015, 28 U.S.C. § 2461, and 40 C.F.R. Part 19. See also 87 Fed. Reg. 1,676 (January 12, 2022).

36. In determining the amount of any penalty to be assessed, Section 16(a)(2)(B) of TSCA, 15 U.S.C. § 2615(a)(2)(B), requires that Complainant consider the nature, circumstances, extent, and gravity of the violations, and with respect to Respondent, its ability to pay, the effect of the proposed penalty on their ability to continue in business, any history of prior such violations, its degree of culpability, and such other matters as justice may require.

37. To assess a penalty for the alleged violations in this Complaint, Complainant has considered the particular facts and circumstances of this case with specific reference to EPA's December 2007 Section 1018 - Disclosure Rule Enforcement Response and Penalty Policy (the "ERP"), a copy of which is enclosed with this Complaint. The ERP provides a rational, consistent, and equitable calculation methodology for applying the statutory penalty factors enumerated above to particular cases. See Attachment 1 to this Complaint for an explanation of the rationale for the proposed penalty.

38. The total proposed penalty for Respondent is \$56,109. The penalties proposed for each of the violations alleged in this Complaint are set forth, below:

Count	Regulation Violated	Description	Penalty
1	40 C.F.R. § 745.107(a)(1)	Failure to provide lessee with an EPA-approved lead hazard information pamphlet	\$19,507
2	40 C.F.R. § 745.113(b)(1)	Failure to include as an attachment, or within the contract to lease target housing, the Lead Warning Statement	\$18,301
3	40 C.F.R. § 745.113(b)(2)	Failure to disclose the presence of known lead-based paint/hazards or indicate no knowledge thereof	\$13,726
4	40 C.F.R. § 745.107(a)(3)	Failure to include a list of records/reports pertaining to lead-based paint or lead-based paint hazards in the housing, or failure to indicate that no such records exist	\$4,575
		Total	\$56,109

VII. QUICK RESOLUTION

39. Under Section 22.18(a) of EPA’s Consolidated Rules of Practice, Respondent has the option of resolving this matter at any time by paying in full the penalty proposed in this Complaint. Payment of the penalty may be made by a bank, cashier’s or certified check, payable to “The Treasurer, United States of America.” The check should also note the docket number of this Complaint (TSCA-01-2022-0027) and should be forwarded to:

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

In addition, at the time of payment, Respondent should also forward notice of payment of the civil penalty as well as copies of the payment check to:

Wanda Santiago, Regional Hearing Clerk
U.S. Environmental Protection Agency, Region 1
5 Post Office Square, Suite 100 (ORC 4-6)
Boston, Massachusetts 02109-3912
r1_hearing_clerk_filings@epa.gov

and

Peter DeCambre, Senior Enforcement Counsel
U.S. Environmental Protection Agency, Region 1
5 Post Office Square, Suite 100 (ORC 4-2)
Boston, Massachusetts 02109-3912
decambre.peter@epa.gov

If payment is made within thirty (30) days of receipt of the Complaint, Respondent need not file an Answer. If Respondent agrees to pay the penalty but needs additional time, Respondent may file a statement to that effect with the Regional Hearing Clerk within thirty (30) days of receipt of the Complaint. In that event, Respondent need not file an Answer, as described in the following section of this Complaint, and will be allowed sixty (60) days from receipt of the Complaint to pay the penalty. Failure to make such payment within sixty (60) days of receipt of the Complaint may subject the Respondent to default. See 40 C.F.R. § 22.18(a).

40. Any settlement in this matter shall be made final by the issuance of a written Consent Agreement and Final Order approved by the Regional Judicial Officer, EPA Region 1.

VIII. NOTICE OF OPPORTUNITY TO REQUEST A HEARING

41. As provided by Section 16(a) of TSCA, 15 U.S.C. § 2615(a), and in accordance with 5 U.S.C. § 554, Respondent has the right to request a hearing on any material fact alleged in this Complaint. Any such hearing would be conducted in accordance with Part 22, a copy of which is enclosed with this Complaint. **To avoid being found in default, Respondent must file a written Answer within thirty (30) days of Respondent's receipt of this Complaint.** The Answer must clearly and directly admit, deny, or explain each of the factual allegations contained in this Complaint with regard to which Respondent has any knowledge. If Respondent has no knowledge of a particular fact and so states, the allegation is considered denied. Failure to deny an allegation constitutes an admission. Respondent's Answer must also state all facts

and circumstances, if any, which constitute grounds for a defense and, if desired, must specifically request an administrative hearing. If Respondent denies any material fact or raises any affirmative defense, Respondent will be considered to have requested a hearing. The

Answer must be sent to:

Wanda Santiago, Regional Hearing Clerk
U.S. Environmental Protection Agency, Region I
5 Post Office Square, Suite 100 (ORC 4-6)
Boston, Massachusetts 02109-3912
r1_hearing_clerk_filings@epa.gov

Respondent should also send a copy of the Answer and all other documents which Respondent files in this action to Peter DeCambre, the attorney assigned to represent EPA in this matter, at:

Peter DeCambre, Senior Enforcement Counsel
U.S. Environmental Protection Agency, Region I
5 Post Office Square, Suite 100 (ORC 4-2)
Boston, Massachusetts 02109-3912
dcambre.peter@epa.gov

42. The filing and service of documents in all cases before the Region 1 Regional Judicial Officer governed by the Consolidated Rules of Practice, including the Answer to the Complaint, may be filed and served by email, consistent with the “Standing Order Authorizing Filing and Service by E-mail in Proceedings Before the Region 1 Regional Judicial Officer,” a copy of which has been provided with this Complaint.

IX. INFORMAL SETTLEMENT CONFERENCE

43. Whether or not Respondent requests a hearing, Respondent may confer informally with EPA concerning the facts of this case, or the amount of the proposed penalty, and the possibility of settlement. Respondent is encouraged to contact Peter DeCambre, Senior

Enforcement Counsel, at (617) 918-1890, to discuss the legal matters relating to this Complaint or to arrange an informal settlement conference.

Please note that a request for an informal settlement conference does not extend the thirty (30) day period within which a written Answer must be submitted to avoid default.

Peter DeCambre, Senior Enforcement Counsel, at the above address and telephone number, has been designated to represent Complainant, and is authorized to receive service of process in this action.

Date

Karen McGuire, Director
Enforcement and Compliance Assurance Division