



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 1  
1 CONGRESS STREET, SUITE 1100  
BOSTON, MASSACHUSETTS 02114-2023

**CERTIFIED MAIL  
RETURN RECEIPT REQUESTED**

**OCT 24 2008**

John C. Jones  
102 Cedar Street  
Roxbury, MA 02119

Re: Notice of Noncompliance and Potential for Further Enforcement - TSCA Subpoena No. TSCA-SP-2008-077 URGENT LEGAL MATTER - RESPONSE REQUIRED

Dear Mr. Jones:

The purpose of this letter is to provide notice that your refusal to respond to the TSCA Subpoena, issued to you on August 13, 2008, may result in further enforcement to compel a response. On March 25, 2008, EPA conducted an inspection to determine compliance with laws and regulations requiring disclosure of lead-based paint information upon the sale, lease, or renovation of residential properties. The inspection took place at a local restaurant located across the street from 318 Warren Street in Roxbury, MA and you did not have copies of most documents with you. EPA requested that you send copies of 7 leases from the last 2 years and copies of any Letter of Compliance, lead-based paint inspection reports, risk assessment reports or other documents pertaining to lead. EPA also suggested that you fill out a disclosure form for all your tenants. All documents were due to EPA by April 23<sup>rd</sup>. EPA inspectors called you three times about these documents. When you did not respond to EPA's repeated request for information, EPA issued a subpoena on August 13, 2008, which you signed for on September 19, 2008. To date, EPA has not received your response to the subpoena.

Further enforcement may include, but may not necessarily be limited to, a referral of this matter to the U.S. Department of Justice and the United States Attorney for the State of Massachusetts to file a petition in federal District Court seeking issuance of an order directing you to produce written responses and documents specified under the Subpoena. *To avoid such further enforcement, you will have until November 7, 2008 to provide a complete and accurate response to the Subpoena. If EPA does not receive a complete and accurate response by that date, please be advised that no further notices regarding this delinquency will be issued by EPA.* A copy of the Subpoena is enclosed.

To avoid the unnecessary time and expense involved in further proceedings regarding the Subpoena, EPA strongly suggests that you provide EPA with a full response to the Subpoena, on

or before November 7, 2008. If EPA does not receive your complete and accurate response by that date, further enforcement to compel a response is highly likely.

Issuance of this document does not preclude EPA from taking any other enforcement action authorized by law. If you have any questions, please contact Ronnie Levin of my staff at (617) 918-1716 or have your counsel contact EPA attorney Catherine Smith at (617) 918-1777. I appreciate your prompt attention to this letter.

Sincerely,



Nancy Barmakian, Manager  
Toxics & Pesticides Unit  
Office of Environmental Stewardship  
EPA Region 1

Enclosure