

Law Office of John T. Forrest, LLC

255 Main Street, 1ST Floor, Hartford, Connecticut 06106

Phone (860) 247-4070

Fax (860) 241-0039

e-mail: attyforrest@yahoo.com

RECEIVED

OCT 31 2014

EPA ORC
Office of Regional Hearing Clerk

September 29, 2014

SENT BY CERTIFIED MAIL

Ms. Wanda I. Santiago,
Regional Hearing Clerk
EPA Region 1 – New England
5 Post Office Square, Suite 100 (ORA 18-1)
Boston, MA 02109-3912

Re: In the Matter of Rego Realty Corporation, et al., Docket Nos. TSCA-01-2014-0065 – Respondents' Answer and Defenses to Complaint dated Sept. 30, 2014

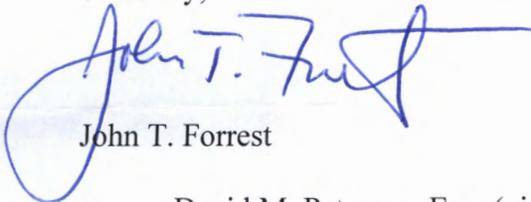
Dear Ms. Santiago,

This will confirm that I represent Rego Realty Corporation, Stephanie Properties, LLC, Mochica Apartments, LLC, Nazca Apartments, LLC, Paracas Apartments, LLC, Rosario Properties, LLC, Mancora Properties, LLC and Roxana Garcia (collectively, the "Respondents") in connection with the above-captioned matter.

Enclosed herewith for filing is the Respondents' Answer and Defenses to the Complaint.

The Respondents request a hearing on this matter.

Sincerely,



John T. Forrest

cc: David M. Peterson, Esq. (via regular mail only)

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 1

RECEIVED

OCT 31 2014

EPA ORC
Office of Regional Hearing Clerk

IN THE MATTER OF:

Rego Realty Corporation, Stephanie
Properties, LLC, Mochica Apartments, LLC
Nazca Apartments, LLC, Paracas Apartments,
LLC, Rosario Properties, LLC and Mancora
Apartments, LLC

15 Webster Street
Hartford, Connecticut 06114

and Roxana Garcia
382 Goff Road
Wethersfield, CT 06109

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

Docket No. TSCA-01-2014-0065

ANSWER AND SPECIAL DEFENSE

The Respondents listed above, through undersigned counsel, hereby Answer the EPA's complaint dated September 30, 2014, as follows:

GENERAL ALLEGATIONS:

Paras. 11 through 27. The allegations contained in each of paragraphs 11 through 27 are admitted.

Paras. 28 – The Respondents do not possess sufficient knowledge to respond to this allegation and, therefore, leave the Complainant to its proof.

Paras. 29-31. The allegations contained in each of paragraphs 29 through 31 are admitted.

VIOLATIONS

COUNT I – FAILURE TO PROVIDE LEAD HAZARD INFORMATION PAMPHLET

Paras. 1 to 32 – The Respondents incorporate the responses provided above.

Para. 34 – Admitted.

Paras. 35 to 45. The allegations contained in each of paragraphs 35 through 45 are denied.

COUNT II – FAILURE TO INCLUDE A LEAD WARNING STATEMENT

Paras. 1 to 45 – The Respondents incorporate the responses provided above.

Para. 47 – Admitted.

Paras. 48 to 56. The allegations contained in each of paragraphs 48 through 56 are denied.

COUNT III – FAILURE TO INCLUDE DISCLOSURE STATEMENT REGARDING LEAD-BASED PAINT/HAZARDS

Paras. 1 to 56 – The Respondents incorporate the responses provided above.

Para. 58 – Admitted.

Paras. 59 to 73. The allegations contained in each of paragraphs 59 through 73 are denied.

COUNT IV – FAILURE TO DISCLOSE RECORDS OR REPORTS OF LEAD-BASED PAINT/HAZARDS

Paras. 1 to 73 – The Respondents incorporate the responses provided above.

Para. 75 – Admitted.

Paras. 76 to 84 - The allegations contained in each of paragraphs 76 through 84 are denied.

COUNT V – FAILURE TO INCLUDE THE SIGNATURES AND SIGNING DATES FOR BOTH LESSORS AND LESSEES

Paras. 1 to 84 – The Respondents incorporate the responses provided above.

Para. 86 – Admitted.

Paras. 87 to 95 - The allegations contained in each of paragraphs 87 through 95 are denied.

All remaining paragraphs of the Complaint not otherwise responded to above are hereby denied by the Respondents.

Based upon the special defenses asserted, the Respondents do not believe that they have violated the lead disclosure laws and request a hearing on the matter.

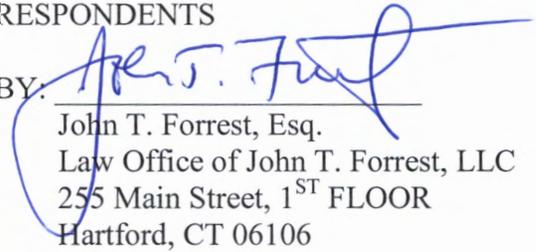
FIRST SPECIAL DEFENSE

At all times relevant to this matter, the Respondents believe that they have complied with the lead paint disclosure laws. Their practice was to have appropriate documentation disclosed to and/or signed by all tenants. If any of their files failed to have a copy of same, it was, upon information and belief, due to filing errors. The Respondents believe that appropriate documentation exists for all of the subject units, however, they will need time to locate this documentation, whether it is archived, or whether it is in the possession of third-parties, such as the tenant and/or Section 8 authorities. The Respondents will be requesting sufficient time to be allowed to locate the necessary documentation.

SECOND SPECIAL DEFENSE

Upon information and belief, to the extent the allegations contained in the complaint are outside of any applicable statute of limitation, the Respondents would seek to exclude the same as a basis for this enforcement action.

RESPONDENTS

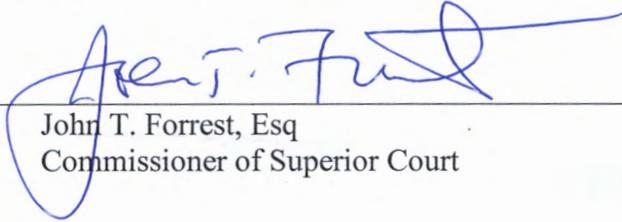
BY: 

John T. Forrest, Esq.
Law Office of John T. Forrest, LLC
255 Main Street, 1ST FLOOR
Hartford, CT 06106
(860) 247-4070
Their Attorney

CERTIFICATION

This is to certify that on October 29, 2014, a copy of the foregoing answer and special defense was mailed, by U.S. mail, postage prepaid, to:

David M. Peterson, Esq.,
Senior Enforcement Counsel
5 Post Office Square, Suite 100 (OES 04-1)
Boston, MA 02109-3912



John T. Forrest, Esq
Commissioner of Superior Court