

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 1

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\_\_\_\_\_)  
IN THE MATTER OF: )  
)  
NATIONAL ENTERPRISES, INC. )  
5440 Morehouse Drive, Suite 4000 )  
San Diego, California )  
)  
and )  
)  
MA NO. 2, LLC )  
5440 Morehouse Drive, Suite 4000 )  
San Diego, California, )  
)  
Respondents. )  
)  
Proceeding under Section 16(a) of the )  
Toxic Substances Control Act, )  
42 U.S.C. § 2615(a). )  
\_\_\_\_\_)

**COMPLAINT AND  
NOTICE OF  
OPPORTUNITY FOR  
ADMINISTRATIVE HEARING**

**Docket No.  
TSCA-01-2009-0059**

**I. STATEMENT OF AUTHORITY**

1. This Complaint and Notice of Opportunity for Administrative Hearing (“Complaint”) is issued 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, Issuance of Compliance or Corrective Action Orders, and the Revocation, Termination or Suspension of Permits (“Consolidated Rules of Practice”), 40 C.F.R. Part 22. The Complainant is the Director, Office of Environmental Stewardship, United States Environmental Protection Agency, Region 1.

**II. NATURE OF THE ACTION**

2. The Respondents in this action, National Enterprises, Inc. and MA No. 2, LLC (collectively “Respondents”), are hereby notified of the Office Director’s determination that they

have violated TSCA Section 409, 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 federal regulations promulgated thereunder, entitled *Disclosure of Known Lead-Based Paint and/or Lead-Based Paint Hazards Upon Sale or Lease of Residential Property*, set forth in 40 C.F.R. Part 745, Subpart F (the “Disclosure Rule”). Complainant seeks civil penalties pursuant to TSCA Section 16, 15 U.S.C. § 2615, which provides that violations of TSCA Section 409 are subject to the assessment by Complainant of civil and/or criminal penalties. In support of its Complaint, Complainant alleges the following:

### **III. STATUTORY AND REGULATORY BACKGROUND**

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, and that the ingestion of lead from deteriorated or abraded lead-based paint 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 lead-based paint hazards is taken into account in the rental of homes and apartments.

4. In 1996, the United States Environmental Protection Agency (“EPA”) promulgated regulations to implement the Act. These regulations (the Disclosure Rule) are set forth at 40 C.F.R. Part 745, Subpart F.

5. Pursuant to TSCA Section 401(17), 15 U.S.C. § 2681(17), and 40 C.F.R. § 745.103, the housing stock addressed by the Act is termed “target housing.” “Target housing” is defined as any housing constructed prior to 1978, except housing for the elderly or disabled, or any 0-bedroom dwelling.

6. The Disclosure Rule requires sellers and lessors of target housing to, among other things:

- a) provide to purchasers and lessees a lead hazard information pamphlet;
- b) disclose the presence of any known lead-based paint and/or lead-based paint hazards, and provide available records of the same;
- c) ensure that the contract to lease or sell includes a Lead Warning Statement; and,
- d) ensure that the contract to lease or sell includes a statement by the lessor or seller disclosing the presence of known lead-based paint or lead-based paint hazards, or indicating no knowledge thereof.

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

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

9. 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 occurring after July 28, 1997, shall be no more than \$11,000.

#### **IV. GENERAL ALLEGATIONS**

10. Respondent National Enterprises, Inc. (“National”) is a corporation organized under the laws of California with a principal place of business located at 5440 Morehouse Drive, Suite 4000, San Diego, California.

11. Respondent MA No. 2, LLC, (“MA2”) is a limited liability company organized under the laws of Nevada with a principal place of business located at 5440 Morehouse Drive, Suite

4000, San Diego, California.

12. At all times relevant to the allegations in this Complaint, MA2 was the “owner,” as defined in 40 C.F.R. § 745.103, of a 25-unit apartment building located at 23-29 Federal Street in Springfield, Massachusetts (the “Property”), also known as Parkview Apartments.

13. At all times relevant to the allegations in this Complaint, National managed the Property and provided leasing and other services to MA2 relating to the Property.

14. The Property was built in approximately 1929. All of the apartment units located at the Property are or were, at the time of the violations alleged in this Complaint, “target housing,” as defined in 40 C.F.R. § 745.103. None of the apartments satisfies the requirements for an exemption to the provisions of the Act or the Disclosure Rule.

15. At all times relevant to the allegations in this Complaint, Respondents National and MA2 offered for lease the rental units located at the Property. Accordingly, each of the Respondents is a “lessor” as defined in 40 C.F.R. § 745.103.

16. On March 23, 2006, EPA Region 1 issued a subpoena to National, identified as TSCA Subpoena No. TSCA-01-2006-032 (the “Subpoena”), under Section 11(c) of TSCA, 15 U.S.C. § 2610(c). The Subpoena sought information necessary to assess National’s and MA2’s compliance with the Disclosure Rule at the Property. The Subpoena also sought information related to renovations and repairs conducted at the Property.

17. In response to the Subpoena, EPA received copies of documents and other information related to a number of Respondents’ lease transactions, including leases, lead disclosure forms, and records and reports regarding lead-based paint associated with the Property. EPA also received lessee information (e.g., ages of children living in the Property) and

information about renovations and repairs at a number of the apartment units associated with the Property.

## **V. VIOLATIONS**

18. EPA has identified the following violations of the Act and the Disclosure Rule based on documents and information obtained from Respondents pursuant to the Subpoena and/or otherwise collected during EPA's investigation of this matter:

### **FIRST COUNT** **Failure to Provide 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 entitled *Protect Your Family From Lead in Your Home* or an equivalent pamphlet that has been approved for use in particular states by EPA (such as the publication entitled *Massachusetts Tenant Lead Law Notification*).

21. Respondents National and MA2 failed to provide the following tenants with an EPA-approved lead hazard information pamphlet before the tenants entered into a contract to lease the specific apartments indicated below:

- a) Bernice Rivera, who became obligated to rent 27 Federal Street, Apt. D4/4R, Springfield, MA, on or about June 1, 2004;
- b) Jasmine Rivera, who became obligated to rent 29 Federal Street, Apt. F3/3R, Springfield, MA, on or about September 1, 2004;
- c) Marta Rosado, who became obligated to rent 27 Federal Street, Apt. 4E/4L, Springfield, MA, on or about October 1, 2004;
- d) Nerin Velasquez, who became obligated to rent 23 Federal Street, Apt. 3B/3L, Springfield, MA, on or about November 1, 2004;

- e) Margarita Colon, who became obligated to rent 29 Federal Street, Apt. F2/2R, Springfield, MA, on or about November 1, 2004;
- f) Johnathan Rodriguez and Anais Oguendo, who became obligated to rent 27 Federal Street, Apt. D3/3R, Springfield, MA, on or about December 10, 2004;
- g) Carlos Padilla, who became obligated to rent 27 Federal Street, Apt. 2D/2R, Springfield, MA, on or about December 12, 2004; and,
- h) Idrisa Stambuli, who became obligated to rent 29 Federal Street, Apt. 1F/1R, Springfield, MA, on or about January 15, 2005.

22. Respondents National and MA2's failure to provide lessees of target housing with an EPA-approved lead hazard information pamphlet prior to the lessees becoming obligated under a contract to lease target housing on eight (8) occasions constitutes eight (8) separate violations of 40 C.F.R. § 745.107(a)(1), and TSCA Section 409, 15 U.S.C. § 2689.

23. Each of the above-listed instances of violation alleged in the First Count is a prohibited act under TSCA Section 409 and 40 C.F.R. § 745.118(e) and each is a violation for which penalties may be assessed pursuant to the Section 1018(b)(5) of the Act and Section 16 of TSCA, 15 U.S.C. § 2615.

### **SECOND COUNT**

#### **Failure to Disclose Known Lead-Based Paint/Hazards and Provide Records**

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

25. Pursuant to 40 C.F.R. § 745.107(a)(2), a lessor is required to disclose to the lessee the presence of any known lead-based paint and/or lead-based paint hazards in the target housing before the lessee becomes obligated under the lease contract. Under 40 C.F.R. § 745.107(a)(2), a lessor is also required to disclose any additional information available concerning known lead-based paint and/or lead-based paint hazards, such as the basis for the determination that lead-based paint and/or lead-based paint hazards exist, the location of the lead-based paint and/or

lead-based paint hazards, and the condition of the painted surfaces.

26. Pursuant to 40 C.F.R. § 745.107(a)(4), a lessor is required to provide to the lessee any records or reports available to the lessor pertaining to lead-based paint and/or lead-based paint hazards in the target housing being leased before the lessee becomes obligated under the lease contract. This requirement includes records or reports regarding common areas. The term “available records” includes records in the lessor’s possession or records that are reasonably obtainable by the lessor at the time of the disclosure.

27. Respondents National and MA2 failed to disclose to the following tenants the presence of known lead-based paint or lead based paint hazards and/or failed to provide the following tenants with records or reports pertaining to lead-based paint or lead-based paint hazards before the tenants entered into a contract to lease the specific apartments indicated below:

- a) Jasmine Rivera, who became obligated to rent 29 Federal Street, Apt. F3/3R, Springfield, MA, on or about September 1, 2004;
- b) Nerin Velasquez, who became obligated to rent 23 Federal Street, Apt. 3B/3L, Springfield, MA, on or about November 1, 2004;
- c) Margarita Colon, who became obligated to rent 29 Federal Street, Apt. F2/2R, Springfield, MA, on or about November 1, 2004;
- d) Johnathan Rodriguez and Anais Oguendo, who became obligated to rent 27 Federal Street, Apt. D3/3R, Springfield, MA, on or about December 10, 2004;
- e) Carlos Padilla, who became obligated to rent 27 Federal Street, Apt. 2D/2R, Springfield, MA, on or about December 12, 2004; and,
- f) Idrisa Stambuli, who became obligated to rent 29 Federal Street, Apt. 1F/1R, Springfield, MA, on or about January 15, 2005.

28. At the time National and MA2 leased the apartments listed in the preceding paragraph, Respondents possessed the following information pertaining to lead-based paint and/or lead-based paint hazards in such properties:

- a) 29 Federal Street, Apt. F3/3R, Springfield, MA - Letter of Full Initial Lead Inspection Compliance, prepared by ACLIN, Inc., dated November 28, 2001, and Lead Inspection Report, prepared by ACLIN, Inc., dated November 28, 2001;
- b) 23 Federal Street, Apt. 3B/3L, Springfield, MA, Springfield, MA – Letter of Full Initial Lead Inspection Compliance, prepared by ACLIN, Inc., dated November 28, 2001, and Lead Inspection Report, prepared by ACLIN, Inc., dated November 28, 2001;
- c) 29 Federal Street, Apt. F2/2R, Springfield, MA – Letter of Full Initial Lead Inspection Compliance, prepared by ACLIN, Inc., dated November 28, 2001, and Lead Inspection Report, prepared by ACLIN, Inc., dated November 28, 2001;
- d) 27 Federal Street, Apt. D3/3R, Springfield, MA - Letter of Full Initial Lead Inspection Compliance, prepared by ACLIN, Inc., dated November 28, 2001, and Lead Inspection Report, prepared by ACLIN, Inc., dated November 28, 2001;
- e) 27 Federal Street, Apt. 2D/2R, Springfield, MA - Letter of Full Initial Lead Inspection Compliance, prepared by ACLIN, Inc., dated November 28, 2001, and Lead Inspection Report, prepared by ACLIN, Inc., dated November 28, 2001; and,
- f) 29 Federal Street, Apt. 1F/1R, Springfield, MA - Letter of Full Initial Lead Inspection Compliance, prepared by ACLIN, Inc., dated November 28, 2001, and Lead Inspection Report, prepared by ACLIN, Inc., dated November 28, 2001.

29. Respondents' failure to disclose the presence of known lead-based paint and/or lead-based paint hazards and/or provide records pertaining to lead-based paint and/or lead-based paint hazards to six (6) lessees constitutes six (6) separate violations of 40 C.F.R. § 745.107(a)(2) and/or 40 C.F.R. § 745.107(a)(4), and TSCA Section 409, 15 U.S.C. § 2689.

30. Each of the above-listed instances of violation alleged in the Second Count is a prohibited act under TSCA Section 409 and 40 C.F.R. § 745.118(e) and each is a violation for which penalties may be assessed pursuant to the Section 1018(b)(5) of the Act and Section 16 of TSCA.

**THIRD COUNT**  
**Failure to Include Lead Warning Statement**

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)(1), each contract to lease target housing must include a Lead Warning Statement within, or as an attachment to, the contract.

33. Respondents National and MA2 failed to include a Lead Warning Statement in, or attached to, their contracts with each of the lessees listed in Paragraph 21, above.

34. Respondents' failure to include a Lead Warning Statement in or attached to eight (8) lease contracts constitutes eight (8) separate violations of 40 C.F.R. § 745.113(b)(1), and TSCA Section 409, 15 U.S.C. § 2689.

35. Each of the above-listed instances of violation alleged in the Third Count is a prohibited act under TSCA Section 409 and 40 C.F.R. § 745.118(e) and each is a violation for which penalties may be assessed pursuant to the Section 1018(b)(5) of the Act and Section 16 of TSCA.

#### **FOURTH COUNT**

##### **Failure to Include Disclosure Statement Regarding Lead-Based Paint/Hazards**

36. Paragraphs 1 through 35, above, are incorporated by reference as if fully set forth herein.

37. 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 a statement indicating no knowledge of the presence of lead-based paint and/or lead-based paint hazards.

38. Respondents National and MA2 failed to include a statement disclosing the presence of known lead-based paint and/or lead-based paint hazards or a statement indicating no

knowledge of the same in, or attached to, their contracts with each of the lessees listed in Paragraph 21, above.

39. Respondents' failure to include a statement 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 in, or attached to, eight (8) lease contracts constitutes eight (8) separate violations of 40 C.F.R. § 745.113(b)(2), and TSCA Section 409, 15 U.S.C. § 2689.

40. Each of the above-listed instances of violation alleged in the Fourth Count is a prohibited act under TSCA Section 409 and 40 C.F.R. § 745.118(e) and each is a violation for which penalties may be assessed pursuant to the Section 1018(b)(5) of the Act and Section 16 of TSCA.

#### **VI. PROPOSED PENALTY**

41. Section 1018(b)(5) of the Act, 42 U.S.C. § 4825d(b)(5), and 40 C.F.R. § 745.118(f) provide that, for purposes of enforcing the Disclosure Rule under TSCA, the penalty for each violation under Section 16 of TSCA shall be no more than \$10,000, except for violations occurring after July 28, 1997, which shall be no more than \$11,000.

42. In determining the amount of any penalty to be assessed, Section 16 of TSCA requires EPA to consider the nature, circumstances, extent and gravity of the violations and, with respect to the violator, ability to pay, the effect of the proposed penalty on the ability of the violator to continue to do business, any history of prior such violations, the degree of culpability of the violator, and such other matters as justice may require. 15 U.S.C. § 2615. To assess a penalty for the violations alleged herein, Complainant will take into account 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* ("Penalty Policy"), a copy of which is enclosed with this Complaint. The Penalty Policy provides a rational, consistent, and equitable calculation methodology for applying the above-listed statutory penalty factors to specific cases.

43. By this Complaint, Complainant seeks to assess civil penalties of up to \$11,000 per violation against the Respondents for the following violations:

- a) FIRST COUNT: Eight (8) separate violations of 40 C.F.R. § 745.107(a)(1) for failure to provide an EPA-approved lead hazard information pamphlet – A lessor's failure to provide an EPA-approved lead hazard information pamphlet has a high probability of impairing a lessee's ability to properly assess information regarding the risks associated with exposure to lead-based paint and/or lead-based paint hazards and to weigh this information when leasing target housing. The pamphlet describes the hazards associated with lead-based paint and provides information about how lessees can protect themselves against potential lead exposure. The pamphlet also explains that lead exposure is especially harmful to young children and pregnant women.
- b) SECOND COUNT: Six (6) separate violations of 40 C.F.R. §§ 745.107(a)(2) and/or 745.107(a)(4) for failure to disclose to lessees the presence of any known lead-based paint and/or lead-based paint hazards and provide lessees with records and reports pertaining to the same – A lessor's failure to disclose the presence of any known lead-based paint and/or lead-based paint hazards is a serious violation of the Disclosure Rule regulations. Such a failure has a high probability of impairing a lessee's ability to properly assess and weigh the potential health risks associated with leasing target housing and greatly increases the likelihood of exposure to lead-based paint hazards. A lessor's failure to provide records or reports pertaining to lead-based paint to a lessee has a high probability of impairing the lessee's ability to properly assess and weigh the health risks associated with target housing and greatly increases the likelihood of exposure to lead-based paint hazards. Such a failure also undermines the intent of Disclosure Rule, which is to disclose to potential lessees any and all information regarding lead-based paint and/or lead-based paint hazards that may be present in the target housing the lessees are considering renting.
- c) THIRD COUNT: Eight (8) separate violations of 40 C.F.R. § 745.113(b)(1) for failure to provide a Lead Warning Statement – A lessor's failure to include a Lead Warning Statement in the language of a lease contract, or as an attachment thereto, has a high probability of impairing a lessee's ability to properly assess information

regarding the risks associated with exposure to lead-based paint and to weigh this information with regard to leasing the target housing in question. The Lead Warning Statement explains that lead exposure is especially harmful to young children and pregnant women.

- d) FOURTH COUNT: Eight (8) separate violations of 40 C.F.R. § 745.113(b)(2) for failure to provide a statement disclosing the presence of known lead-based paint and/or lead-based paint hazards – A lessor’s failure to include in or attached to a lease contract a statement disclosing knowledge of lead-based paint and/or lead-based paint hazards has a medium probability of impairing a lessee’s ability to properly assess the risks associated with leasing target housing. The intent of this provision is to put potential lessees on notice of specific information relating to the presence of lead in housing and violations of this provision deprive lessees of their ability to make decisions based upon risk. Without such a statement, a lessee may unwittingly lease a unit that is known to contain lead-based paint.

44. Prior to any hearing on this case, EPA will file a document specifying a proposed penalty for the violations alleged herein and explaining how the proposed penalty was calculated, as required by the Consolidated Rules of Practice. Complainant will calculate a proposed penalty based, in part, on its current knowledge of the Respondents’ financial condition. The proposed penalty may be adjusted if Respondents establish *bona fide* issues of ability to pay or other defenses relevant to the appropriate amount of the penalty. Respondents shall pay the civil penalty with a cashier’s or certified check, payable to the Treasurer, United States of America. Respondents should note on the check the docket number of this Complaint (EPA Docket No. TSCA-01-2009-0059). The check shall be forwarded to:

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

In addition, at the time of payment, notice of payment of the civil penalty and copies of the check should be forwarded to:

Wanda I. Santiago, Regional Hearing Clerk  
U.S. Environmental Protection Agency-Region 1  
One Congress Street, Suite 1100 (RAA)  
Boston, Massachusetts 02114-2023

and

Hugh W. Martinez, Senior Enforcement Counsel  
Office of Environmental Stewardship  
U.S. Environmental Protection Agency-Region 1  
One Congress Street, Suite 1100 (SEL)  
Boston, Massachusetts 02114-2023The

45. Neither assessment nor payment of an administrative penalty shall affect the Respondents' continuing obligation to comply with all applicable requirements of federal law.

**VII. OPPORTUNITY TO REQUEST A HEARING AND FILE ANSWER**

46. As provided by Section 16(a)(2)(A) of TSCA, 15 U.S.C. § 2615(a)(2)(A), and in accordance with 40 C.F.R. § 22.14 of the Consolidated Rules of Practice, Respondents have a right to request a hearing on any material fact alleged in this Complaint or on the appropriateness of the proposed penalty. Any such hearing would be conducted in accordance with the Consolidated Rules of Practice, at 40 C.F.R. Part 22. **A request for a hearing must be incorporated into a written Answer. Respondents must file the original and one copy of the written Answer to this Complaint within thirty (30) days of receipt of this Complaint.**

Respondents shall send the Answer to the Regional Hearing Clerk at the following address:

Wanda I. Santiago, Regional Hearing Clerk  
U.S. Environmental Protection Agency, Region 1  
One Congress Street, Suite 1100 (Mail Code: RAA)  
Boston, Massachusetts 02114-2023

Respondents shall serve copies of the Answer, and any other documents submitted in this

proceeding, to Complainant's counsel at the following address:

Hugh W. Martinez, Senior Enforcement Counsel  
U.S. Environmental Protection Agency, Region 1  
One Congress Street, Suite 1100 (Mail Code: SEL)  
Boston, Massachusetts 02114-2023

In their Answer, Respondents may contest any material fact contained in the Complaint. The Answer shall directly admit, deny, or explain each of the factual allegations contained in the Complaint and shall state: (1) the circumstances or arguments alleged to constitute the grounds of any defense; (2) the facts Respondents dispute; (3) the basis for opposing any proposed relief; and, (4) whether a hearing is requested. Where Respondents have no knowledge as to a particular factual allegation and so state, the allegation is deemed denied. Any failure of Respondents to admit, deny, or explain any material fact contained in the Complaint constitutes an admission of that allegation. *See* 40 C.F.R. § 22.15 for the required contents of an Answer.

#### **VIII. DEFAULT ORDER**

47. If Respondents fail to file a timely Answer to the Complaint, Respondents may be found to be in default, pursuant to 40 C.F.R. § 22.17. For purposes of this action only, default by Respondents constitutes an admission of all facts alleged in the Complaint and a waiver of Respondents' right to contest such factual allegations under Section 16(a)(2)(A) of TSCA. Pursuant to 40 C.F.R. § 22.17(d), the penalty assessed in the default order shall become due and payable by Respondents without further proceedings thirty (30) days after the default order becomes final.

#### **IX. SETTLEMENT CONFERENCE**

48. Whether or not a hearing is requested upon filing an Answer, Respondents may confer

*In re: National Enterprises, Inc. et al.*  
Docket No. TSCA-01-2009-0059

CERTIFICATE OF SERVICE

I hereby certify that the foregoing Administrative Complaint and Notice of Opportunity for Hearing has been provided to the following persons on the date noted below:

Original and one copy,  
hand-delivered:

Wanda I. Santiago  
Regional Hearing Clerk  
U.S. EPA, Region 1  
One Congress Street, Suite 1100 (RAA)  
Boston, MA 02114-2023

One copy (with the Consolidated  
Rules and Penalty Policy), by First  
Class Mail, Return Receipt  
Requested:

David Wick, President  
National Enterprises, Inc.  
5440 Morehouse Drive, Suite 4000  
San Diego, CA 92121

and

MA NO. 2, LLC  
through National Enterprises, Inc., Managing Member  
% David Wick, President  
5440 Morehouse Drive, Suite 4000  
San Diego, CA 92121

Dated: 5-19-09

  
\_\_\_\_\_  
Hugh W. Martinez, Senior Enforcement Counsel  
U.S. EPA, Region 1  
One Congress Street, Suite 1100 (SEL)  
Boston, MA 02114-2023  
Phone (dir.): 617-918-1867  
Fax: 617-918-0867  
E-mail: [martinez.hugh@epa.gov](mailto:martinez.hugh@epa.gov)