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October 21, 2008

United States Environmental Protection Agency, Region III
1650 Arch Street
Philadelphia, PA 19103

Re: Response to Toxic Substance Control Act Administration,
Compliant and Notice of Opportunity for Hearing
In Matter of John Paul Sopensky
Docket# TSCA-03-2008-0433

Attention: Abraham Ferdas, Director Land and Chemical Division

Dear Mr. Ferdas,

You asked for a letter in response to your charges that, we, Sopensky Properties, failed to properly notify residents in our apartments of the risks associated with lead based paint in buildings erected prior to 1978, that is we failed to comply with an EPA regulation.

First, we were told by your auditors that we were sufficiently in compliance to avoid any penalties. I do not think it is fair that a year and a half later we were told that now we are noncompliant.

Second, I would like to point out that some of the properties in question are owned by corporations and only managed by Sopensky Properties.

Third, it is our position that your basis for auditing our property was flawed. In so far, as the original basis for your entering our offices was a phone call from Scott Durham, when in fact, Durham did receive a Lead Disclosure form from us regarding this issue. You found that in your examination of his original lease with Sopensky Properties. I think it is significant that if he called you regarding the form in question, he was informed about this matter. If he did not receive the form, how could he know about this issue?

Fourth, you are citing leases that were not covered by the regulation; you included a lease for 232-2 State Street, Enola, PA which is an efficiency apartment and also 6 N. Arch Street Mechanicsburg, PA which is a commercial property. Additionally, the occupant of 145 3rd Street, Peter Panagokas, when asked to sign the form, reminded me that during the original lease signing he did in fact sign the form. I have included a signed statement from him, apparently not the affidavit that you are looking for; though I am sure he will agree to sign the proper legal form. I would also cite the lease from 212 State Street, Enola, PA. This was an old lease that was lost in our files and may well have had pieces missing. I asked Lou RamAlho to get back to me on this issue but he never did. Yet you folks take me to task for failing to resolve this promptly. Additionally, you cite a lease at 241-4 Locust Grove Court, Harrisburg, PA. An

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insurance inspector had previously made a determination that the property was lead free. He did not provide us with any paperwork at the time but it our position that this determination exempts us from any obligations to notify our residents at this property. This in fact, throws into question how many of these leases were in fact properly signed at the time. Was this sloppy work on the part of your auditors or did they seek to justify their entry onto my property? Also, our position is that the target housing only includes those occupants or lessees that involve children of the age six and under. This would only include two leases.

Having staked out our legal position in this matter let me make an offer. We will concede all of your infractions, if you limit our assessment to the removal of lead bearing fixtures on our various properties. We will agree to do this within some reasonable time frame, if you so agree.

Beyond these points, you sat on this case for a year and a half and then expect the matter to be resolved in a few brief months. I would remind you that this is adversarial in nature, and that you folks have made mistakes along the way. And in the words of Justice Brandeis "a government informs by its actions".

In any event, I would like to get this resolved and begin a "Capital Improvement" program. It seems to me that you can make offers to get this settled. I would, however, like an adjustment for those leases not covered by the regulation in question.

Thank you for your time and cooperation. I expect to hear from you on this matter in the near future.

Sincerely,



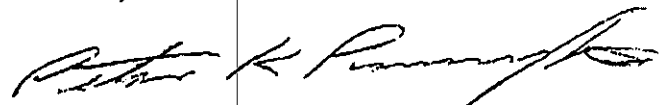
John Sopensky, Owner
Sopensky Properties

Cc: file

To whom It may concern :

When I signed the lease with
Sopruny Properties it included a lead disclosure form -
I specifically remember that because I was
formerly safety specialist with the post office.

Sincerely


6/13/2008