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WS EPA ORC  
OFFICE OF  
REGIONAL HEARING CLERK

July 1, 2011

Wanda I. Santiago, Regional Hearing Clerk  
U.S. EPA, Region 1  
5 Post Office Square  
Suite 100 (Mail Code ORA 18-1)  
Boston, MA 02109

Re: In re: Atlas Property Management, Inc. et al  
TSCA-01-2011-0026

Dear Ms. Santiago:

Enclosed please find Answer of Respondent Archgate Properties, LLC and Request for Hearing with reference to the above-entitled matter. Please file same.

Very truly yours,



Mark Lichtenstein

ML/nb

Enclosure

cc: Hugh W. Martinez, Esquire  
Carl W. Lindley, Jr. Esquire  
Archgate Townhouses, LLC



### III. STATUTORY AND REGULATORY BACKGROUND

3. Paragraph 3 is an introductory paragraph and therefore no response is necessary.

To the extent a response is deemed necessary Archgate has no knowledge of the truth of the allegations.

4. Paragraph 4 is an introductory paragraph and therefore no response is necessary.

To the extent a response is deemed necessary Archgate has no knowledge of the truth of the allegations.

5. Paragraph 5 is an introductory paragraph and therefore no response is necessary.

To the extent a response is deemed necessary Archgate has no knowledge of the truth of the allegations.

6. Paragraph 6 is an introductory paragraph and therefore no response is necessary.

To the extent a response is deemed necessary Archgate has no knowledge of the truth of the allegations.

7. Paragraph 7 is an introductory paragraph and therefore no response is necessary.

To the extent a response is deemed necessary Archgate has no knowledge of the truth of the allegations.

8. Paragraph 8 is an introductory paragraph and therefore no response is necessary.

To the extent a response is deemed necessary Archgate has no knowledge of the truth of the allegations.

9. Paragraph 9 is an introductory paragraph and therefore no response is necessary. To the extent a response is deemed necessary Archgate has no knowledge of the truth of the allegations.

#### IV. GENERAL ALLEGATIONS

10. As this paragraph does not relate to Archgate, no response is required.
11. As this paragraph does not relate to Archgate, no response is required.
12. Archgate admits all allegations except it denies that any violations occurred.
13. Archgate admits it offered for lease apartments through its managing agent Atlas Property Management, Inc. (“Atlas”), but denies it was a “lessor” as defined in 40 C.F.R. §745.103.
14. Archgate admits it offered for lease through Atlas an apartment at 758 Westfield Street, West Springfield, Massachusetts; as to all other allegations it has no knowledge.
15. Archgate is without sufficient information to either admit or deny the allegations.
16. Archgate is without sufficient information to either admit or deny the allegations.
17. Archgate is without sufficient information to either admit or deny the allegations.
18. Archgate is without sufficient information to either admit or deny the allegations.

#### V. VIOLATIONS

19. Archgate is without sufficient information to either admit or deny the allegations.

**FIRST COUNT**

**Failure to provide Lead Hazard Information Pamphlet**

20. Archgate realleges its answers to paragraph 1-19.
21. Archgate is without sufficient information to either admit or deny the allegations.
22. As this paragraph does not relate to Archgate, no response is required.
23. Archgate denies the allegations.
24. As this paragraph does not relate to Archgate, no response is required.
25. Archgate denies the allegations.
26. Archgate denies the allegations.

**SECOND COUNT**

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

27. Archgate realleges its answers to paragraph 1-26.
28. Archgate is without sufficient information to either admit or deny the allegations.
29. As this paragraph does not relate to Archgate, no response is required.
30. As this paragraph does not relate to Archgate, no response is required.
31. Archgate is without sufficient information to either admit or deny the allegations.
32. Archgate is without sufficient information to either admit or deny the allegations.
33. As this paragraph does not relate to Archgate, no response is required.
34. Archgate is without sufficient information to either admit or deny the allegations.
35. Archgate denies the allegations.

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

36. Archgate realleges its answers to paragraph 1-35.
37. Archgate is without sufficient information to either admit or deny the allegations.
38. Archgate denies the allegations.
39. Archgate denies the allegations.
40. Archgate denies the allegations.

**FOURTH COUNT**  
**Failure to Include Disclosure Statement Regarding Lead-Based Paint/Hazard**

41. Archgate realleges its answers to paragraph 1-40.
42. Archgate is without sufficient information to either admit or deny the allegations.
43. As this paragraph does not relate to Archgate, no response is required.
44. Archgate denies the allegations.
45. As this paragraph does not relate to Archgate, no response is required.
46. Archgate denies the allegations.
47. Archgate denies the allegations.

**VI. PROPOSED PENALTY**

48. Paragraph 48 is an introductory paragraph and therefore no response is necessary.

To the extent a response is deemed necessary Archgate has no knowledge of the truth of the allegations.

49. Paragraph 49 is an introductory paragraph and therefore no response is necessary.

To the extent a response is deemed necessary Archgate has no knowledge of the truth of the allegations.

50. Paragraph 50 is an introductory paragraph and therefore no response is necessary. To the extent a response is deemed necessary Archgate has no knowledge of the truth of the allegations.

51. Archgate denies the allegations.

52. No answer is required.

53. No answer is required.

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

54. No answer is required other than Archgate requests a hearing on all material facts.

**VIII. DEFAULT ORDER**

55. No answer is required.

**IX. SETTLEMENT CONFERENCE**

56. No answer is required.

57. No answer is required.

Archgate Townhouses, LLC

By its attorney,

Dated: July 1, 2011



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**CERTIFICATE OF SERVICE**

I hereby certify that on July 1, 2011 the foregoing Answer of Respondent Archgate Townhouses, LLC and Request for Hearing has been served upon the following by first class mail:

Wanda I. Santiago, Regional Hearing Clerk  
U.S. EPA, Region 1  
5 Post Office Square  
Suite 100 (Mail Code ORA 18-1)  
Boston, MA 02109

For Complainant:  
Hugh W. Martinez, Senior Enforcement Counsel  
U.S. EPA, Region 1  
5 Post Office Square  
Suite 100  
Boston, MA 02109

For Co-Respondent Atlas Property Management, Inc.  
and 224-224A Washington Street Nominee Realty Trust  
Carl W. Lindley, Jr., Esquire  
Law Office of Carl Lindley, Jr.  
220 Linden Street  
Holyoke, MA 01040

  
Mark Lichtenstein, Esquire