



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

SEP 19 2017

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Ms. Fallon Preston
Apartment Manager
Realm 102, LLC d/b/a Realm Apartments
1150 SW 2nd Avenue
Boca Raton, Florida 33432

Re: Realm 102, LLC d/b/a Realm Apartments
Ratified Consent Agreement and Final Order
Docket No. TSCA-04-2017-2545(b)

Dear Ms. Preston:

Enclosed is a copy of the ratified Consent Agreement and Final Order (CAFO) in the above-referenced matter. The original CAFO has been filed with the Regional Hearing Clerk and served on the parties as directed in Section 22.6 of the Consolidated Rules of Practice, 40 C.F.R. Part 22. Please refer to Section V of the CAFO for penalty information and payment requirements. To ensure proper processing, the Respondent's Name and Docket Number for this case, identified above and in the CAFO, should be noted on any cashier's or certified check submitted in payment of the penalty.

Also, enclosed is a copy of a document entitled "Notice of Securities and Exchange Commission Registrants' Duty to Disclose Environmental Legal Proceedings." This document puts you on notice of your potential duty to disclose to the Securities and Exchange Commission any environmental enforcement actions taken by the U. S. Environmental Protection Agency Region 4. Where used in the document, "SEC" refers to the Securities and Exchange Commission.

Should you have any questions about this matter or your compliance status in the future, please contact Ms. Phalia McCorkle-Kester of the EPA staff at (404) 562-8205 or email mccorkle-kester.phalia@epa.gov.

Sincerely,

A handwritten signature in blue ink that reads "Anthony G. Toney".

Anthony G. Toney

Chief

Chemical Safety and Enforcement Branch

Enclosures

herein without a formal hearing. Therefore, without the taking of any evidence or testimony, the making of any argument, or the adjudication of any issue in this matter, and in accordance with 40 C.F.R. § 22:13(b), this Consent Agreement and Final Order (CAFO) will simultaneously commence and conclude this matter.

II. Preliminary Statements

3. The Administrator of the EPA promulgated regulations at 40 C.F.R. Part 745, Subpart F under the authority of Section 1018 of the Residential Lead-Based Paint Hazard Reduction Act of 1992, 42 U.S.C. § 48. Pursuant to Title X, it is a prohibited act under Section 409 of TSCA, 15 U.S.C. § 2689, for any person to fail or refuse to comply with a provision of Title X or any rule or order issued under Title X.
4. Persons who violate Title X are subject to civil penalties pursuant to Section 16 of TSCA, 15 U.S.C. § 2615, and 40 C.F.R. Part 19.

III. Specific Allegations

5. Respondent is a Lessor, as defined at 40 C.F.R. § 745.103, of the Realm Apartments residential housing located at 1150 SW 2nd Ave., Boca Raton, Florida 33432, including Apartment B212. These residential apartment units are “target housing,” as defined at 40 C.F.R. § 745.103.
6. Based on information obtained by the EPA on or about May 23, 2017, including Respondent’s contract to lease the apartment at 1150 SW2nd Ave. Apt. B212, described above, the EPA alleges that Respondent violated Section 409 of TSCA and 40 C.F.R. Part 745, Subpart F as follows:
 - a. Respondent failed to provide to the lessee with the EPA-approved lead hazard information pamphlet as required by 40 C.F.R. § 745.107(a)(1).
 - b. Respondent failed to include, as an attachment or within a contract to lease target housing, a statement by the lessor disclosing the presence of known lead-based paint and/or lead-based

paint hazards or indicating no knowledge of the presence of lead-based paint and/or lead-based paint hazards pursuant to 40 C.F.R. § 745.113(b)(2).

- c. Respondent failed to include, as an attachment or within a contract, a list of any records or reports available to the Lessor that pertain to lead hazard information, or if no such records or reports were available, Respondent failed to indicate that no such list exists, as required by 40 C.F.R. § 745.113(b)(3).

IV. Consent Agreement

7. For the purposes of this CAFO, Respondent admits the jurisdictional allegations set forth above and neither admits nor denies the factual allegations set forth above.
8. Respondent waives its right to a hearing on the allegations contained herein and its right to appeal the proposed Final Order accompanying the Consent Agreement.
9. Respondent consents to the assessment of the penalty proposed by the EPA and agrees to pay the civil penalty as set forth in this CAFO.
10. Respondent certifies that as of the date of its execution of this CAFO, it is in compliance with all relevant requirements of 40 C.F.R. Part 745, Subpart F.
11. Compliance with this CAFO shall resolve the allegations of the violations contained herein. This CAFO shall not otherwise affect any liability of Respondent to the United States. Other than as expressed herein, neither the EPA nor Complainant waives any right to bring an enforcement action against Respondent for violation of any federal or state statute, regulation or permit, to initiate an action for imminent and substantial endangerment, or to pursue criminal enforcement.
12. Complainant and Respondent agree to settle this matter by their execution of this CAFO. The parties agree that the settlement of this matter is in the public interest and that this CAFO is consistent with the applicable requirements of TSCA.

V. Final Order

13. Respondent is assessed a civil penalty of **THREE THOUSAND EIGHT HUNDRED AND FIFTY-TWO DOLLARS (\$3,852)** which shall be paid within thirty (30) days after the effective date of this CAFO.
14. Respondent shall remit the penalty payment by either a cashier's or certified check made payable to the "Treasurer, United States of America."

The Respondent shall note on the face of the check the Respondent's Name and the Docket Number TSCA-04-2017-2545(b).

The penalty payment shall be sent by one of the methods below.

Address for payment submittal using the United States Postal Service (USPS) (excluding USPS overnight mail):

U.S. Environmental Protection Agency
Fines and Penalties
Cincinnati Finance Center
P.O. Box 979077
St. Louis, Missouri 63197-9000

Address for payment submittal using USPS overnight mail or other delivery service (e.g., Federal Express, United Parcel Service, DHL, etc.):

U.S. Bank
Government Lockbox 979077
U.S. EPA Fines & Penalties
1005 Convention Plaza
Mail Station SL-MO-C2-GL
St. Louis, Missouri 63101
Contact Phone Number: (314) 425-1819

15. At the time of payment, Respondent shall send a separate copy of the check and a written statement that the payment is being made in accordance with this CAFO, to the following persons at the following addresses:

Regional Hearing Clerk
U.S. EPA Region 4
61 Forsyth Street, S.W.
Atlanta, Georgia 30303-8960

Phalia McCorkle-Kester
Lead and Asbestos Section
U.S. EPA Region 4
61 Forsyth Street, S.W.
Atlanta, Georgia 30303-8960

16. For the purposes of state and federal income taxation, Respondent shall not be entitled, and agrees not to attempt, to claim a deduction for any civil penalty payment pursuant to this CAFO. Any attempt by Respondent to deduct any such payments shall constitute a violation of this CAFO.
17. Pursuant to 31 U.S.C. § 3717, the EPA is entitled to assess interest and penalties on debts owed to the United States and a charge to cover the cost of processing and handling a delinquent claim. Interest will therefore begin to accrue on the civil penalty from the date of entry of this CAFO, if the penalty is not paid by the date required. A charge will also be assessed to cover the administrative costs, both direct and indirect, of overdue debts. In addition, a late payment penalty charge shall be applied on any principal amount not paid within 30 days of the due date.
18. Complainant and Respondent shall bear their own costs and attorney fees in this matter.
19. This CAFO shall be binding upon the Respondent, its successors and assigns.
20. Each undersigned representative of the parties to this CAFO certifies that he or she is fully authorized by the party represented to enter into this CAFO and legally binds that party to this CAFO.

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VI. Effective Date

21. The effective date of this CAFO shall be the date on which the CAFO is filed with the Regional Hearing Clerk.

AGREED AND CONSENTED TO:

Respondent: Realm 102, LLC d/b/a Realm Apartments

Docket No.: TSCA-04-2017-2545(b)

By: Colleen Nolan (Signed) Date: 8/31/17

Name: COLLEEN NOLAN (Typed or Printed)

Title: REGIONAL MANAGER (Typed or Printed)

Complainant: U.S. ENVIRONMENTAL PROTECTION AGENCY

By: Candace Remberger for Date: 9/13/17
Beverly H. Banister
Director
Air, Pesticides and Toxics Management Division

APPROVED AND SO ORDERED this 15th day of September, 2017.

By: Tanya Floyd
Tanya Floyd
Regional Judicial Officer

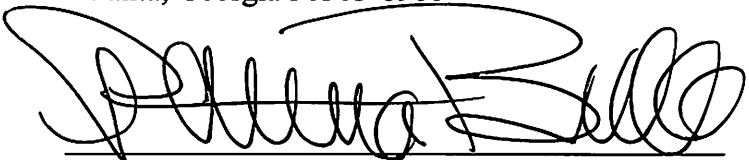
CERTIFICATE OF SERVICE

I hereby certify that on the date set out below, I filed the original and one copy of the foregoing Consent Agreement and Final Order and served a true and correct copy of the foregoing Consent Agreement and Final Order, In the Matter of Realm 102, LLC d/b/a Realm Apartments TSCA-04-2017-2545(b), to the addressees listed below:

Fallon Preston (via Certified Mail, Return Receipt Requested)
Realm 102, LLC d/b/a Realm Apartments 1150 SW 2nd Avenue
Boca Raton, Florida 33432

Phalia McCorkle-Kester (via EPA's internal mail)
Lead and Asbestos Section
U.S. EPA Region 4
61 Forsyth Street, S.W.
Atlanta, Georgia 30303-8960

Robert Caplan, Senior Attorney (via EPA's internal mail)
Office of Regional Counsel
U.S. EPA Region 4
61 Forsyth Street, S.W.
Atlanta, Georgia 30303-8960



Patricia A. Bullock, Regional Hearing Clerk
U.S. Environmental Protection Agency Region 4
61 Forsyth Street, S.W.
Atlanta, Georgia 30303-8960
(404) 562-9511

Date: 9-19-17