



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 1

1 CONGRESS STREET, SUITE 1100  
BOSTON, MASSACHUSETTS 02114-2023

**BY HAND**

AUG - 9 2007

Douglas Paulino  
9 Orange Street  
Hartford, CT 06106-1128

**RE: SUBPOENA (TSCA-SP-2007-012) under Section 1018 of Title X (the Real Estate Notification and Disclosure Rule) and Section 406(b) of TSCA (the Pre-Renovation Rule)**

Dear Mr. Paulino:

On May 10, 2007, the U.S. Environmental Protection Agency ("EPA") sent you a letter regarding an inspection to determine whether you were properly disclosing lead-based paint information during real estate lease transactions, and providing notification including a lead hazard information pamphlet to owners and occupants prior to commencing Renovation of Target Housing. EPA called you on May 16, 2007 to confirm the inspection date, and you hung up. The inspection team went to Your residence on May 18, 2007, as previously arranged, but you were not at home for the inspection.

On June 20, 2007, EPA issued a subpoena to you at 45 Colonial Street – 1<sup>st</sup> floor in Hartford, CT to determine compliance with the lead-based paint laws. The package came back to EPA unclaimed and stamped that you had moved. On July 3, 2007, the subpoena was sent to your new address at 9 Orange Street, Hartford, CT. Since receipt of the subpoena cannot be verified, EPA is now affecting in-hand service. This subpoena is being served to you through a process server, which you must answer within 30 days of receipt. Failure to fully respond will result in EPA's taking action to have the subpoena enforced in federal court.

If you have any question, please call me at (617) 918-1328.

Sincerely,

A handwritten signature in black ink, appearing to read "Sharon Hayes".

Sharon Hayes  
Senior Enforcement Coordinator  
Toxics and Pesticides Unit  
U. S. EPA New England

Toll Free • 1-888-372-7341

Internet Address (URL) • <http://www.epa.gov/region1>

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BOSTON, MASSACHUSETTS 02114-2023

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

JUL - 3 2007

TSCA Subpoena No.: TSCA-SP-2007-012

Douglas Paulino  
9 Orange Street  
Hartford, CT 06106-1128

**RE: SUBPOENA under Section 1018 of Title X (the Real Estate Notification and Disclosure Rule) and Section 406(b) of TSCA (the Pre-Renovation Rule)**

Dear Mr. Paulino:

On May 10, 2007, the U.S. Environmental Protection Agency ("EPA") sent You a letter regarding an inspection to determine whether You were properly disclosing lead-based paint information during real estate lease transactions, and providing notification including a lead hazard information pamphlet to owners and occupants prior to commencing Renovation of Target Housing. EPA called You on May 16, 2007 to confirm the inspection date, and You hung up. The inspection team went to Your residence on May 18, 2007, as previously arranged, but You were not at home for the inspection.

EPA is issuing this subpoena to You to determine compliance with laws and regulations requiring disclosure of lead-based paint information upon the sale, lease, or Renovation of residential properties. The laws in question are Section 1018 of Title X of the Residential Lead-Based Paint Hazard Reduction Act of 1992, 42 U.S.C. § 4852, and Section 406(b) of the Toxic Substances Control Act ("TSCA"), 15 U.S.C. § 2686(b). The regulations implementing these laws are found at 40 C.F.R. Part 745, Subpart F ("Disclosure Rule") and 40 C.F.R. Part 745, Subpart E ("Pre-Renovation Rule"). A violation of the Disclosure Rule is a prohibited act under Section 409 of TSCA, 15 U.S.C. § 2689, which can result in civil penalties under Section 16 of TSCA of up to \$11,000 per violation. Likewise, a violation of the Pre-Renovation Rule is a prohibited act under Section 409 of TSCA, which can result in civil penalties of up to \$32,500 per violation.

This subpoena is issued to You under the authority of Section 11(c) of TSCA, 15 U.S.C. § 2610(c). In carrying out its duties under TSCA, EPA may require by subpoena the attendance and testimony of witnesses, the production of reports, papers and documents, answers to questions, and other information the EPA deems necessary. **Your failure or refusal to fully and truthfully submit the information required by this subpoena may subject You to further action to enforce this subpoena in federal court. In addition, the failure or refusal to submit the information required in this subpoena may subject You to civil and/or criminal penalties pursuant to Section 16 of TSCA, 15 U.S.C. § 2615.** The issuance of this

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document does not preclude the issuance of further subpoenas relating to this matter to You or other parties:

## I. DEFINITIONS

The following terms shall be defined as specified below. **Please read these definitions carefully to properly comply with the terms of this subpoena.** Unless otherwise defined below, the terms used in this subpoena have the meaning given in 15 U.S.C. § 2686, and the regulations promulgated thereunder at 40 C.F.R. Part 745, Subpart E; 42 U.S.C. § 4852d, and its implementing regulations at 40 C.F.R. Part 745, Subpart F; and 24 C.F.R. Part 35, Subpart A.

“Agent” means any party who enters into a contract with a seller or lessor, including any party who enters into a contract with a representative of the seller or lessor, for the purpose of selling or leasing Target Housing. This term does not apply to the purchaser but may apply to a purchaser’s agent unless the Agent receives all compensation from the purchaser, as specified in 40 C.F.R. § 745.103.

“Disclosure Form” means certification and acknowledgment regarding the disclosure of information pertaining to lead-based paint and/or lead-based paint hazards as required by 40 C.F.R. § 745.113.

“Document” means the original or an identical and readable copy thereof, and all non-identical copies (whether different from the original by reason of notation made on such copies or otherwise), of any writings or records of any type or description, however created, produced or reproduced.

“Due Diligence” means, in this context, the collection and analysis of data that a reasonable person would take before buying a property to ascertain whether the property has any environmental conditions that could affect the transaction.

“Emergency Renovation Operations” means renovation activities, such as operations necessitated by non-routine failures of equipment, that were not planned but result from a sudden, unexpected event that, if not immediately attended to, presents a safety or public health hazard, or threatens equipment and/or property with significant damage.

“Evaluation” means a Risk Assessment and/or Inspection.

“Inspection” means (1) a surface-by-surface investigation to determine the presence of lead-based paint as provided in section 302 (c) of the Lead-Based Paint Poisoning and Prevention Act (42 U.S.C. § 4822), and (2) the provision of a report explaining the results of the investigation.

“Lead-based paint” means paint or other surface coating which contain lead equal to or in excess of 1.0 milligram per square centimeter or 0.5 percent by weight.

"Lease" means a written or oral rental agreement for any period of time.

"Lessee" means any entity that enters into an agreement to lease, rent or sublease Target Housing, including but not limited to individuals, partnerships, corporations, trusts, government agencies, housing agencies, Indian Tribes and non-profit organizations.

"Lessor" means any entity that offers Target Housing for lease, rent, or sublease, including but not limited to individual, partnerships, corporations, trusts, government agencies, housing agencies, Indian Tribes, and non-profit organizations.

"New England" means the states of Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island and Vermont.

"Occupant" means the lessee and any other person who resides in the Target Housing.

"Purchaser" means an entity that enters into an agreement to purchase an interest in Target Housing, including but not limited to individuals, partnerships, corporations, trusts, government agencies, housing agencies, Indian Tribes, and non-profit organizations.

"Renovation" means the repair or modification of any existing structure, or portion thereof, that results in the disturbance of painted surfaces, unless the activity is performed as part of a lead-based paint abatement action, as defined by 40 C.F.R. § 745.223. The term Renovation includes, but is not limited to, the removal or modification of painted surfaces or painted components, such as modification of painted doors and surface preparation activity (e.g., sanding, scraping, or other such activities that may generate paint dust); the removal of large structures (e.g., walls, ceiling, large surface replastering, major replumbing); and window replacement.

"Risk Assessment" means an on-site investigation to determine and report the existence, nature, severity, and location of lead-based paint hazards in residential dwellings, including: information gathering regarding the age and history of the housing and occupancy by children; visual inspection; limited wipe sampling or other environmental sampling techniques; other activity as may be appropriate; and provision of a report explaining the results of the investigation.

"Target Housing" means any housing constructed prior to 1978, except housing for the elderly or persons with disabilities (unless any child who is less than six (6) years of age resides or is expected to reside in such housing), and except any zero (0) bedroom dwelling. For the purpose of the subpoena, "housing constructed before 1978" means housing for which a construction permit was obtained (or if no permit was obtained, housing in which construction was started) before January 1, 1978.

"Work Order" means any oral agreement, written document, or electronic communication used by property management, building management, or owners to request any work to be completed by employees or contractors including maintenance services, emergency repairs, quick work projects, and standing work for compensation by employer.

"You" and "Your" means (a) Douglas Paulino; (b) any entity or venture in which Douglas Paulino maintains an interest; and (c) agents or representatives of Douglas Paulino.

## II. INFORMATION TO BE SUBMITTED TO THE EPA

Please provide the information requested below **within thirty days (30) of receipt of this subpoena**. Your response must be accompanied by a signed and notarized copy of the attached affidavit. Where information necessary for a complete response is neither in Your possession nor reasonably available to You, indicate this fact in Your response and (1) explain the reasonable efforts You made to obtain such information, and (2) if possible, identify any source that either possesses or is likely to possess such information. Please send all responsive information to:

Ronnie Levin  
U.S. Environmental Protection Agency - New England  
Office of Environmental Stewardship  
One Congress Street, Suite 1100 (SEP)  
Boston, MA 02114

### A. List of residential properties that You own or manage:

1. Provide a list of all residential properties, complexes, developments, etc. (henceforth "property") that You own/have owned or manage/have managed from **May 1, 2005 to the present**.
2. For each property identified in question A.1, identify whether it is Target Housing, and identify how many units are in each property.
3. For each Target Housing property identified in question A.2, provide contact information for both the property owner(s) and the property manager(s), including name, title, address, and phone number. Explain the relationship between You and any other business entity listed.
4. For each Target Housing property identified in question A.2 and located in New England, describe all public rental and/or rehabilitation assistance received. Indicate the program name, if known, including but not limited to:
  - a. Project-based rental assistance from a federal agency (HUD or other);
  - b. HUD multi-family mortgage insurance (FHA);
  - c. HUD-owned multifamily property;
  - d. Rehabilitation assistance from city, county, or state (for example, CDBG or HOME);
  - e. Public housing;
  - f. Tenant-based rental assistance (such as Housing Choice Voucher Program); and/or

- g. Any other public or private grant funds for Lead-based paint hazard control.
5. For each Target Housing property identified in question A.2 and located in New England, identify which units have children residing in them and provide the ages of the children, including date of birth.
6. For each Target Housing property identified in question A.2 and located in New England, provide a copy of the deed.

B. Management Company:

If You listed any management company in response to question A.3, above, describe the nature of the management company's duties and provide a copy of the contract with the management company.

C. Information on Lease Transactions:

Provide the following information for all lease transactions of Target Housing You own or manage in New England that occurred from **May 1, 2005 through May 1, 2007**. For each unit leased, provide the following:

1. A copy of the rental agreement, lease or lease extension.
2. A copy of the lead Disclosure Form required by 40 C.F.R. § 745.113 and any attachments thereto;
3. For each rental agreement, lease or lease extension, indicate whether there were children residing in the unit, and if so, their ages at the time of the agreement; and
4. Copies of Lead-based paint information, **regardless of the date** of such information, including:
  - a. Any Inspection and/or Risk Assessment for Lead-based paint performed at the property (including, for multi-family buildings, any report regarding Lead-based paint in common areas of the building);
  - b. Any communication from state or local agencies pertaining to Lead-based paint or Lead-based paint hazards in the property, including Inspection Reports, Abatement Orders, Notices of Compliance, Releases of Orders, Vacancy Orders, etc.; and
  - c. Due Diligence or financial records, in which the environmental conditions of the property were described.
5. If no written records exist regarding a lease transaction, provide a list of tenant names/phone numbers, and for each tenant:

- a. Identify the address and rental unit the tenant leased;
- b. Identify the date the tenant became obligated to lease the unit;
- c. Indicate whether children resided in the unit, and if so, their ages at the time of the lease transaction; and
- d. Provide copies of any documents which discuss the information referred to in questions C.2 and C.4, above, pertaining to the tenant's unit.

D. Sale of Target Housing:

1. Provide a list of all Target Housing that You sold in New England from **May 1, 2005 through May 1, 2007**.
2. For each transaction, provide a copy of the **offer to purchase contract** and the purchase and sales document, including the lead Disclosure Form and all available records and reports pertaining to Lead-based paint and/or Lead-based paint hazards.

E. Missing Disclosure Forms:

If, in response to questions C and D, You produced any sales or lease transactions without Disclosure Forms, explain:

1. why the form is missing; and
2. whether, how, and when You complied with each substantive requirement of 40 C.F.R. § 745.113(b) (for example, the requirements to provide a pamphlet, provide information on the presence of known Lead-based paint and/or Lead-based paint hazards or a statement that there is no knowledge, and if there is knowledge, to provide copies of additional information, such as reports that were the basis for the determination that known Lead-based paint and/or Lead-based paint hazards exist).

F. Compliance with the Pre-Renovation Rule Requirements:

1. Provide a listing of all Work Orders for repair and Renovation of Target Housing property in New England that involved disturbing over 2 square feet of painted surface for the period **May 1, 2005 through May 1, 2007**, including common areas but excluding the following:
  - a. units vacant at the time of the repair/Renovation;
  - b. minor repair and maintenance activities that disrupt 2 square feet or less of painted surface per component;
  - c. Emergency Renovation Operations; and
  - d. Renovations in Target Housing in which a written determination has been made by an inspector (certified pursuant to either Federal regulations at § 745.226 or a State or Tribal certification program authorized pursuant to § 745.324) that the components affected by the Renovation are free of paint or other surface coatings that contain lead equal to or in excess of 1.0 milligram

per square centimeter or 0.5 percent by weight, where the renovator has obtained a copy of the determination.

2. For each of the Work Orders referenced in response to question F.1, indicate who performed the repair/Renovation. Include contact information for the service person including name, whether in-house staff or contractor, contractor license number (if known), lead certification, place of employment, address, and phone number.
3. For each of the Work Orders referenced in response to question F.1, provide copies of documentation demonstrating compliance with the Pre-Renovation Rule. If no documents are available, explain why and whether or not the substantive requirements have been met. Compliance requirements are specified at §§ 745.85-86, and generally include the following notification and recordkeeping activities:
  - a. no more than 60 days before beginning Renovation activities, the renovator shall provide unit owners/occupants with the EPA pamphlet entitled "Protect Your Family From Lead In Your Home" and obtain either written acknowledgement of receipt or certification of mailing at least 7 days prior to the repair/Renovation of residential dwelling units and common areas of multi-family housing; and
  - b. the renovator shall retain records necessary to demonstrate compliance for a period of 3 years following completion of the repair/Renovation.
4. If the repair/Renovation work was performed by Your employees, describe any training, and provide copies of any certification the employees have received regarding lead safe work practices.

G. Communication of Disclosure and Pre-Renovation Rule Requirements:

1. Describe whether and how You currently communicate the requirements of the Disclosure and Pre-Renovation Rules to all of Your employees and associated businesses, agents, and representatives.
2. Provide copies of any standard operating procedures, guidance documents, training documents, and/or directives that You use at present to promote compliance with the lead Disclosure and Pre-Renovation Rules.

### III. CLAIMS OF CONFIDENTIAL BUSINESS INFORMATION

Pursuant to the regulations set forth at 40 C.F.R Part 2, Subpart B, You may choose to assert that part or all of the submitted information is "confidential business information" ("CBI"). Unless such confidentiality claims are asserted at the time the required information is submitted, EPA makes this information available to the public upon request without further notice to You. Information that is CBI may be made available to the public only to the extent set forth in the



above cited regulations. Any such claim for confidentiality must conform to the requirements set forth with 40 C.F.R. § 2.203(b).

While You may claim that information is CBI, such claims are unlikely to be upheld if they are challenged unless the information meets all four of the following criteria:

1. Your business has taken reasonable measures to protect the confidentiality of the information and intends to continue to take such measures.
2. The information is not, and has not been, reasonably obtainable without Your business' consent by other persons (other than government bodies) by use of legitimate means (other than discovery based on showing of special need in a judicial or quasi-judicial proceeding).
3. No statute specifically requires disclosure of the information, and the information is not available elsewhere.
4. Disclosure of the information is likely to cause substantial harm to Your business' competitive position.

**Please note the burden of proof is on You to demonstrate that the information satisfies all four criteria.** If any portion of Your response contains CBI which You claim as confidential, it is critical that You submit two copies of any such "business information" in accordance with the following procedures:

1. The first copy of any page containing such "confidential business information" must be complete and contain all information. Additionally, each such page must be marked conspicuously to indicate that it is claimed as confidential. Furthermore, the compilation of information subject to Your CBI claim should be mailed to EPA-New England in accordance with the following procedures:

- a. All such documents must be placed in an envelope addressed to:

Rose Toscano  
U.S. Environmental Protection Agency-New England  
Office of Environmental Stewardship  
One Congress Street, Suite 1100 (SEP)  
Boston, MA 02114

This envelope should be marked "Confidential - To be Opened By Addressee Only"; and

- b. The envelope containing the information claimed as business confidential should then be placed in a second, "outer" envelope, also addressed to Rose Toscano at the address indicated above. The outer envelope should not be marked with any indication that it contains confidential information.

2. The second copy of any document that is subject to a CBI claim must only contain information which is not claimed as confidential. This second copy of any document from which alleged CBI has been made unreadable, or otherwise removed, must be mailed directly to Ronnie Levin, at the address indicated in Section II above.

If you have any questions concerning this subpoena, please contact Ronnie Levin at (617) 918-1716.

Issued in Boston, Massachusetts the 20th day of June, 2007.

Susan Studlien

Susan Studlien, Director  
Office of Environmental Stewardship  
U. S. EPA New England

Enclosures

1. Affidavit
2. Compliance packet with copies of the Pre-Renovation and Disclosure Rules, EPA pamphlet, and the Small Business Form

**BEFORE THE UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY REGION 1 / NEW ENGLAND  
TSCA Subpoena No.: TSCA-SP-2007-012**

**IN THE MATTER OF:**

Douglas Paulino  
45 Colonial St. - 1<sup>st</sup> Floor  
Hartford, CT 06106

**AFFIDAVIT responding to the subpoena issued pursuant to 15 U.S.C. § 2610(c)**

I, the undersigned affiant, first being duly sworn, upon an oath, depose and say:

1. Attached hereto are \_\_\_\_\_ pages of responsive documents and/or records. The attached pages are true and correct copies of documents and/or records that I presently have in my custody and/or control as an agent.
2. I am one of the custodians of the documents and records at issue and am producing true and correct copies of such documents and records in response to a subpoena issued by the U.S. Environmental Protection Agency pursuant to 15 U.S.C. § 2610(c).
3. The documents and records at issue were and/or are received and/or kept in the usual course of the regularly conducted business activities of the persons and entities subject to the above-referenced subpoena. I, and others, rely on such documents and records for the purpose of conducting everyday affairs. Such documents and records are usually prepared, or received, at or near the time of the events to which they related, and are based upon the knowledge of the person transmitting information for the purpose of preparing such documents and records.
4. I have made a diligent search and inquiry for all documents and records that are reasonably described in the subpoena to which this affidavit responds. To my knowledge, there are no documents or records responsive to the subpoena that have not been copied and submitted to the U.S. Environmental Protection Agency.
5. All responses to the inquiries contained in the aforementioned subpoena are true, complete, and accurate.

6. I acknowledge that this affidavit is submitted to the United States in connection with a matter within the jurisdiction of the U.S. Environmental Protection Agency and that any material false statement of fact herein may be a federal crime under Title 18, Section 1001 of the United States Code.

*Affiant:*

Date: \_\_\_\_\_

Signature: \_\_\_\_\_

Type Name: \_\_\_\_\_

Office or Title: \_\_\_\_\_

*Notary:*

Date: \_\_\_\_\_

Signature: \_\_\_\_\_

Type Name: \_\_\_\_\_

Office or Title: \_\_\_\_\_

**SWORN AND SUBSCRIBED TO** before me; the undersigned Notary Public on this \_\_\_\_ day of \_\_\_\_\_, 2007.

\_\_\_\_\_  
Notary Public in and for the State or Territory

of \_\_\_\_\_ residing at \_\_\_\_\_

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
New England  
1 Congress Street, Suite 1100  
Boston, Massachusetts 02114-2023

MEMORANDUM

DATE : August 10, 2007

FROM: James E. Israel, Investigator  
Search & Cost Recovery Section  
Office of Site Remediation & Restoration

TO : Alma Padilla

SUBJ : Hand Delivery of Subpoenas

- To : 1. **Douglas Paulino**  
9 Orange Street  
Hartford, CT 06106 - 1128
2. **George Grillo**  
At Home Remodeling & Improvements  
63 Connecticut boulevard  
East Hartford, CT 06108

RE: SUBPOENA (TSCA-SP-2007-003) under Section 406(b) of TSCA (the Pre-Renovation Rule)

On Tuesday, August 07, 2007, I was assigned the task of locating the above named individuals and hand delivering a subpoena to each of them.

On Thursday, August 09, 2007, I traveled to 45 Colonial Street, Hartford, Connecticut, one of Mr. Paulino's addresses. I observed a for sale sign in the front yard of the (2) family home. The for sale sign read Golden Rule Realty, Inc. With a phone number - 860-523-1515.

I spoke to the tenants at this location, they did not know the whereabouts of Mr. Paulino. The male tenant stated that Mr. Paulino has a cell phone but he did not remember the number, at this time, but he would try to obtain it. I left my business card with my cell number on it and asked him to call me if and when he remembers the number.

From there, I traveled to 9 Orange Street, Hartford, CT, another address for Mr. Paulino. Upon arriving, I observed that this was a multi-family dwelling. I knocked on several doors and received only one answer from all doors. It was a young lady on the first floor. She advised that Mr. Paulino does not live in the building but he visits quiet often. He visits his children and their mother who lives on the 2<sup>nd</sup> floor. Mr. Paulino is usually at this location around 5:30 in the afternoon.

I left my business card and cell phone number with her and asked her to call me if and when Mr. Paulino is at this address again.

None of the tenants knew Mr. Paulino's home address.

I then traveled to East Hartford, CT. I was looking for George Grillo, At Home Remodeling & Improvements, 63 Connecticut Boulevard. Upon arrival, I rang the door bell and then knocked on the door. Shortly afterwards, a young lady came to the door and I asked for Mr. George Grillo. She advised that Mr. Grillo would not be back in the office until Tuesday of next week. She advised that her name was "Betty," and that she was the office manager. I placed the subpoena package in her hands and she assured me that she would make sure it got into the hands of Mr. Grillo.

I stopped in at the East Hartford Police Department in an effort to use their computer to gain access to the internet to see if I could locate a current address for Mr. Paulino. This was to no avail.

This Investigator left East Hartford and headed back to Boston. After arriving in Boston, while doing computer research on Mr. Paulino, I received a phone call and was given the number of Mr. Paulino's cell phone. I called the number, Mr. Paulino answered, I advised him of who I was and what my business was with him. He agreed to meet me at the 9 Orange Street address in Hartford, CT.

I traveled back to Hartford, CT and met with Mr. Paulino at the 9 Orange Street address. Upon arriving, I identified myself and the young man introduced himself as Douglas Paulino. At this time, I placed the subpoena package in his hand and explained to him what it was and advised him to follow the instructions inside.

This Investigator returned to Boston.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 1

1 CONGRESS STREET, SUITE 1100  
BOSTON, MASSACHUSETTS 02114-2023

BY HAND

November 2, 2007

Douglas Paulino  
9 Orange Street  
Hartford, CT 06106-1128

Re: Notice of Noncompliance and Potential for Further Enforcement - TSCA Subpoena No. TSCA-SP-2007-012 URGENT LEGAL MATTER - RESPONSE REQUIRED

Dear Mr. Paulino:

The purpose of this letter is to provide notice that your continued refusal to respond to the TSCA Subpoena, issued to you on August 9, 2007, may result in further enforcement to compel a response. EPA tried to schedule an inspection with you first on April 5, 2007 by phone; on May 10, 2007 by certified mail, return receipt requested; and then again on May 16, 2007 by phone to confirm the inspection date. On May 18, 2007, EPA went to your last known address to meet with you, but you were not there. On June 20, 2007, EPA issued the TSCA Subpoena to you, but the Subpoena was returned to EPA indicating "the addressee had moved." Finally, on August 9, 2007, the Subpoena was delivered to you by hand, through an EPA investigator. To date, EPA has yet to receive your response to the subpoena.

Further enforcement may include, but may not necessarily be limited to, a referral of this matter to the U.S. Department of Justice and the United States Attorney for the District of Connecticut to file a petition in federal District Court seeking issuance of an order directing you to produce written responses and documents specified under the Subpoena. *To avoid such further enforcement, you will have until November 16, 2007 to provide a complete and accurate response to the Subpoena. If EPA does not receive a complete and accurate response by that date, please be advised that no further notices regarding this delinquency will be issued by EPA.* A copy of the Subpoena is enclosed.

To avoid the unnecessary time and expense involved in further proceedings regarding the Subpoena, EPA strongly suggests that you provide EPA with a full response to the Subpoena, on or before November 16, 2007. If EPA does not receive your complete and accurate response by that date, further enforcement to compel a response is highly likely.

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Issuance of this document does not preclude EPA from taking any other enforcement action authorized by law. If you have any questions, please contact Ronnie Levin of my staff at (617) 918-1716 or have your counsel contact EPA attorney Catherine Smith, at (617) 918-1777. I appreciate your prompt attention to this letter.

Sincerely,

A handwritten signature in black ink, appearing to read "Nancy Barmakian", with a long, sweeping horizontal line extending to the right.

Nancy Barmakian, Manager  
Toxics & Pesticides Enforcement Unit  
Office of Environmental Stewardship  
EPA Region 1

Enclosure





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 1  
1 CONGRESS STREET, SUITE 1100  
BOSTON, MASSACHUSETTS 02114-2023

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

November 2, 2007

TSCA Subpoena No.: TSCA-SP-2007-012

Douglas Paulino  
9 Orange Street  
Hartford, CT 06106-1128

RE: **SUBPOENA under Section 1018 of Title X (the Real Estate Notification and Disclosure Rule) and Section 406(b) of TSCA (the Pre-Renovation Rule)**

Dear Mr. Paulino:

On May 10, 2007, the U.S. Environmental Protection Agency ("EPA") sent You a letter regarding an inspection to determine whether You were properly disclosing lead-based paint information during real estate lease transactions, and providing notification including a lead hazard information pamphlet to owners and occupants prior to commencing Renovation of Target Housing. EPA called You on May 16, 2007 to confirm the inspection date, and You hung up. The inspection team went to Your residence on May 18, 2007, as previously arranged, but You were not at home for the inspection.

EPA is issuing this subpoena to You to determine compliance with laws and regulations requiring disclosure of lead-based paint information upon the sale, lease, or Renovation of residential properties. The laws in question are Section 1018 of Title X of the Residential Lead-Based Paint Hazard Reduction Act of 1992, 42 U.S.C. § 4852, and Section 406(b) of the Toxic Substances Control Act ("TSCA"), 15 U.S.C. § 2686(b). The regulations implementing these laws are found at 40 C.F.R. Part 745, Subpart F ("Disclosure Rule") and 40 C.F.R. Part 745, Subpart E ("Pre-Renovation Rule"). A violation of the Disclosure Rule is a prohibited act under Section 409 of TSCA, 15 U.S.C. § 2689, which can result in civil penalties under Section 16 of TSCA of up to \$11,000 per violation. Likewise, a violation of the Pre-Renovation Rule is a prohibited act under Section 409 of TSCA, which can result in civil penalties of up to \$32,500 per violation.

This subpoena is issued to You under the authority of Section 11(c) of TSCA, 15 U.S.C. § 2610(c). In carrying out its duties under TSCA, EPA may require by subpoena the attendance and testimony of witnesses, the production of reports, papers and documents, answers to questions, and other information the EPA deems necessary. **Your failure or refusal to fully and truthfully submit the information required by this subpoena may subject You to further action to enforce this subpoena in federal court. In addition, the failure or refusal to submit the information required in this subpoena may subject You to civil and/or criminal penalties pursuant to Section 16 of TSCA, 15 U.S.C. § 2615.** The issuance of this

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
New England  
1 Congress Street, Suite 1100  
Boston, Massachusetts 02114-2023

MEMORANDUM

DATE : November 05, 2007

FROM: James E. Israel, Investigator  
Search & Cost Recovery Section  
Office of Site Remediation & Restoration

TO : Alma Padilla

SUBJ : Hand Delivery of Notice of Noncompliance and Potential for  
Further Enforcement - TSCA Subpoena No. TSCA-SP-2007-012

1. **Douglas Paulino**  
9 Orange Street  
Hartford, CT 06106 - 1128

On Friday, November 02, 2007, I was assigned the task of locating the above named individual and hand delivering a Notice of Noncompliance and Potential for Further Enforcement.

I traveled to 9 Orange Street, Hartford, CT. Upon arrival, I telephoned Mr. Paulino via cell phone and a short time later, he arrived at the above address where I was awaiting his arrival.

Upon Mr. Paulino's arrival, I identified myself to him and placed the Notice of Noncompliance Packet in his hands. I explained to him that he was to read the letter and I further advised that if he had any questions regarding the package, to call the individual listed in the packet.