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SEP 23 2010

EPA ORC
Office of Regional Hearing Clerk

September 22, 2010

Ms. Wanda Rivera, Regional Hearing Clerk (RAA)
US EPA, Region I
5 Post Office Square, Suite 100 (ORA 18-1)
Boston, MA 02109-3912

RE: Answer of 122 Chestnut, L.L.C. - Docket No. TSCA-01-2010-0046

Dear Ms. Rivera:

Enclosed for filing please find one (1) original Answer and one (1) copy of the Answer in the above referenced matter submitted on behalf of 122 Chestnut, L.L.C.

Very truly yours,



Michael S. Schneider

MSS/mss

Enclosures

cc: Peter DeCambre, Senior Enforcement Counsel

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION I

DOCKET NO. TSCA-01-2010-0046

RECEIVED

SEP 23 2010

EPA ORC
Office of Regional Hearing Clerk

IN THE MATTER OF:)

122 Chestnut, L.L.C.)
122 Chestnut Street)
Springfield, MA 01103)

Respondent.)

Proceeding under Section 16(a) of the)
Toxic Substance Control Act, 42 U.S.C.)
§ 2615(a))
_____)

ANSWER TO THE COMPLAINT AND
NOTICE OF OPPORTUNITY FOR A
HEARING

1. This allegation does not call for an admission, a denial or an explanation.
2. This allegation does not call for an admission, a denial or an explanation.
3. This allegation does not call for an admission, a denial or an explanation.
4. This allegation does not call for an admission, a denial or an explanation.
5. This allegation does not call for an admission, a denial or an explanation.
6. This allegation does not call for an admission, a denial or an explanation.
7. This allegation does not call for an admission, a denial or an explanation.
8. This allegation does not call for an admission, a denial or an explanation.
9. This allegation does not call for an admission, a denial or an explanation.
10. Admit.

11. Deny to the extent that 122 Chestnut Street, L.L.C. (“Respondent”) offered 99 apartments for lease during the times relevant to the Complaint, although 122 Chestnut Street, Springfield (the “Premises”) does contain 99 apartment units.
12. Deny. The Premises do not meet the statutory or regulatory definition of target housing.
13. a. – j. inclusive. Admit, but Respondent is without sufficient knowledge to admit or deny the age of any resident that occupied any unit of the Premises.
14. Deny. The Premises do not meet the statutory or regulatory definition of target housing.
15. The Premises do not meet the statutory or regulatory definition of target housing.
16. The Premises do not meet the statutory or regulatory definition of target housing.
17. The Premises do not meet the statutory or regulatory definition of target housing.
18. The Premises do not meet the statutory or regulatory definition of target housing.
19. Deny to the extent that the Respondent was bound by the Act and Disclosure Rule. The Premises do not meet the statutory or regulatory definition of target housing.
20. Admit, but the Premises do not meet the statutory or regulatory definition of target housing.
21. Deny to the extent that the Respondent was bound by the Act and Disclosure Rule. The Premises do not meet the statutory or regulatory definition of target housing.
22. Deny to the extent that the Respondent was bound by the Act and Disclosure Rule. The Premises do not meet the statutory or regulatory definition of target housing.
23. Deny to the extent that the Respondent was bound by the Act and Disclosure Rule. The Premises do not meet the statutory or regulatory definition of target housing.
24. This allegation does not call for an admission, a denial or an explanation.

25. a. – j. inclusive. Deny. The Premises do not meet the statutory or regulatory definition of target housing.
26. Deny. The Premises do not meet the statutory or regulatory definition of target housing.
27. Deny to the extent that the Respondent was bound by the Act and Disclosure Rule. The Premises do not meet the statutory or regulatory definition of target housing.
28. This allegation does not call for an admission, a denial or an explanation.
29. a. – j. inclusive. Deny. The Premises do not meet the statutory or regulatory definition of target housing.
30. Deny. The Premises do not meet the statutory or regulatory definition of target housing.
31. Deny to the extent that the Respondent was bound by the Act and Disclosure Rule. The Premises do not meet the statutory or regulatory definition of target housing.
32. This allegation does not call for an admission, a denial or an explanation.
33. a. – j. inclusive. Deny. The Premises do not meet the statutory or regulatory definition of target housing.
34. Deny. The Premises do not meet the statutory or regulatory definition of target housing.
35. Deny to the extent that the Respondent was bound by the Act and Disclosure Rule. The Premises do not meet the statutory or regulatory definition of target housing.
36. This allegation does not call for an admission, a denial or an explanation.
37. a. – j. inclusive. Deny. The Premises do not meet the statutory or regulatory definition of target housing.
38. Deny. The Premises do not meet the statutory or regulatory definition of target housing.
39. This allegation does not call for an admission, a denial or an explanation.
40. This allegation does not call for an admission, a denial or an explanation.

41. Deny to the extent that the Respondent was bound by the Act and Disclosure Rule. The Premises do not meet the statutory or regulatory definition of target housing.
42. This allegation does not call for an admission, a denial or an explanation..
43. This allegation does not call for an admission, a denial or an explanation.
44. This allegation does not call for an admission, a denial or an explanation.
45. This allegation does not call for an admission, a denial or an explanation.
46. This allegation does not call for an admission, a denial or an explanation.
47. 1. – 3. inclusive. This allegation does not call for an admission, a denial or an explanation.

The respondent hereby requests a Hearing pursuant to 15 U.S.C. § 261592)(A) and 40 C.F.R. § 22.14 to contest all facts alleged in the Complaint and the appropriateness of the proposed penalty.

**THE RESPONDENT,
122 CHESTNUT STREET, LLC**

Dated: 9/22/2010

By: 
Michael S. Schneider, Esquire
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and Murphy, P. C.
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CERTIFICATE OF SERVICE

I, Michael S. Schneider, do hereby certify that I have caused a copy of the foregoing to be served upon the parties by mailing an original and one copy of the same first class mail, postage pre-paid, to:

Wanda Rivera, Regional Hearing Clerk (RAA)
U. S. Environmental Protection Agency, Region I
5 Post Office Square, Suite 100 (ORA 18-1)
Boston, Massachusetts 02109-3912

with a copy to:

Peter DeCambre, Senior Enforcement Counsel
U. S. Environmental Protection Agency, Region I
5 Post Office Square, Suite 100 (OES 4-1)
Boston, Massachusetts 02109-3912

Dated: September 22, 2010


Michael S. Schneider