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U.S. ENVIRONMENTAL  
PROTECTION AGENCY-REG. 21  
2007 JAN -2 PM 1:47  
REGIONAL HEARING  
CLERK

December 28, 2007

Regional Hearing Clerk  
U.S. Environmental Protection Agency  
Region 2  
290 Broadway, 16<sup>th</sup> Floor  
New York, New York 10007-1866

VIA FEDERAL EXPRESS

**RE: In the Matter of Audubon Communities Management, LLC  
Docket No. TSCA-02-2007-9168**

Dear Sir/Madam:

Enclosed herewith please find the following: (original and two copies)

- (X) Answer and Request for Hearing
- (X) Proof of Service
- (X) Return self-addressed stamped envelope

Will you kindly:

- (X) File
- (X) Return filed copy

Very truly yours,  
LEVY, EHRLICH & PETRIELLO  
A Professional Corporation

By:   
DEREK D. REED

DDR:JP  
Enclosures  
File No. 5016.3  
cc: Melva J. Hayden, Esq.  
Audubon Communities Management, LLC  
Attn: Margie Davis

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
Region 2

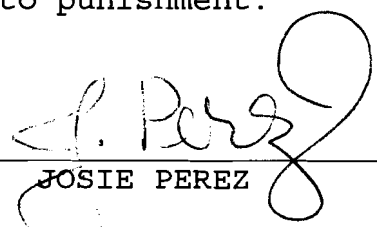
U.S. ENVIRONMENTAL PROTECTION AGENCY  
REGIONAL HEARING OFFICE  
2007 JUN -2 PM 1:13  
8168

\_\_\_\_\_  
In the Matter of :  
 :  
 :  
AUDUBON COMMUNITIES : DOCKET NO. TSCA-02-2007-8168  
MANAGEMENT, LLC, :  
 :  
Respondent. :  
 :  
Proceeding under Section 16(a) :  
of the Toxic Substances : PROOF OF SERVICE  
Control Act. :  
\_\_\_\_\_ :

I hereby certify that a copy of the within Answer and Request for Hearing and supporting papers were sent to Melva J. Hayden, Esq. at U.S. Environmental Protection Agency, Region 2, 290 Broadway, 16<sup>th</sup> Floor, New York, New York 10007, on December 28, 2007.

I hereby certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

DATED: December 28, 2007

  
\_\_\_\_\_  
JOSIE PEREZ

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
Region 2

US ENVIRONMENTAL PROTECTION AGENCY  
REGIONAL HEARING  
2007 JUN -2 PM 1:48  
REGIONAL STENOGRAPHER

\_\_\_\_\_  
In the Matter of :  
 :  
 :  
AUDUBON COMMUNITIES : DOCKET NO. TSCA-02-2007-9168  
MANAGEMENT, LLC, :  
 :  
Respondent. :  
 :  
Proceeding under Section 16(a) :  
of the Toxic Substances : ANSWER AND REQUEST  
Control Act. : FOR HEARING  
\_\_\_\_\_ :

Respondent, Audubon Communities Management, LLC  
(hereinafter "Audubon"), by and through its attorneys, Levy,  
Ehrlich & Petriello, a Professional Corporation, hereby requests  
a hearing to contest the allegations set forth in the Complaint  
and as for its Answer to the Environmental Protection Agency's  
(hereinafter "EPA") Complaint, says:

1. Respondent admits the allegations contained in Paragraph 1 of the EPA's Complaint.
2. Respondent denies the allegations contained in Paragraph 2 of the EPA's Complaint.
3. Respondent admits the allegations contained in Paragraph 3 of the EPA's Complaint.

4. Respondent lacks sufficient knowledge to either admit or deny the allegations set forth in Paragraph 4 of the EPA's Complaint.

5. Respondent lacks sufficient knowledge to either admit or deny the allegations set forth in Paragraph 5 of the EPA's Complaint.

6. Respondent denies the allegations contained in Paragraph 6 of the EPA's Complaint.

7. Respondent admits the allegations contained in Paragraph 7 of the EPA's Complaint.

8. Respondent admits the allegations contained in Paragraph 8 of the EPA's Complaint.

9. Respondent lacks sufficient knowledge to either admit or deny the allegations set forth in Paragraph 9 of the EPA's Complaint.

**380-402 MT. PROSPECT AVENUE LEASE AGREEMENTS**

10. Respondent admits the allegations contained in Paragraph 10 of the EPA's Complaint.

11. Respondent admits the allegations contained in Paragraph 11 of the EPA's Complaint.

12. Respondent admits the allegations contained in Paragraph 12 of the EPA's Complaint.

13. Respondent admits the allegations contained in Paragraph 13 of the EPA's Complaint.

14. Respondent admits the allegations contained in Paragraph 14 of the EPA's Complaint.

15. Respondent admits the allegations contained in Paragraph 15 of the EPA's Complaint.

16. Respondent admits the allegations contained in Paragraph 16 of the EPA's Complaint.

17. Respondent admits the allegations contained in Paragraph 17 of the EPA's Complaint.

**AUDUBON PLACE LEASE AGREEMENTS**

18. Respondent admits the allegations contained in Paragraph 18 of the EPA's Complaint.

19. Respondent admits the allegations contained in Paragraph 19 of the EPA's Complaint.

20. Respondent admits the allegations contained in Paragraph 20 of the EPA's Complaint.

21. Respondent admits the allegations contained in Paragraph 21 of the EPA's Complaint.

22. Respondent admits the allegations contained in Paragraph 22 of the EPA's Complaint.

23. Respondent admits the allegations contained in Paragraph 23 of the EPA's Complaint, however, Sebeyan C. and

Prutha Kingsview no longer reside in the unit as it was rerented to Jonathan Santos pursuant to a written lease on November 28, 2007.

24. Respondent admits the allegations contained in Paragraph 24 of the EPA's Complaint.

25. Respondent admits the allegations contained in Paragraph 25 of the EPA's Complaint.

26. Respondent admits the allegations contained in Paragraph 26 of the EPA's Complaint.

27. Respondent admits the allegations contained in Paragraph 27 of the EPA's Complaint.

28. Respondent admits the allegations contained in Paragraph 28 of the EPA's Complaint.

29. Respondent admits the allegations contained in Paragraph 29 of the EPA's Complaint.

30. Respondent admits the allegations contained in Paragraph 30 of the EPA's Complaint.

31. Respondent admits the allegations contained in Paragraph 31 of the EPA's Complaint.

32. Respondent admits the allegations contained in Paragraph 32 of the EPA's Complaint.

33. Respondent admits the allegations contained in Paragraph 33 of the EPA's Complaint.

34. Respondent admits the allegations contained in Paragraph 34 of the EPA's Complaint.

35. Respondent admits the allegations contained in Paragraph 35 of the EPA's Complaint.

36. Respondent admits the allegations contained in Paragraph 36 of the EPA's Complaint.

37. Respondent admits the allegations contained in Paragraph 37 of the EPA's Complaint.

38. Respondent admits the allegations contained in Paragraph 38 of the EPA's Complaint.

39. Respondent admits the allegations contained in Paragraph 39 of the EPA's Complaint.

40. Respondent admits the allegations contained in Paragraph 40 of the EPA's Complaint.

41. Respondent admits the allegations contained in Paragraph 41 of the EPA's Complaint.

42. Respondent admits the allegations contained in Paragraph 42 of the EPA's Complaint.

43. Respondent admits the allegations contained in Paragraph 43 of the EPA's Complaint.

44. Respondent admits the allegations contained in Paragraph 44 of the EPA's Complaint.

45. Respondent admits the allegations contained in

Paragraph 45 of the EPA's Complaint.

46. Respondent admits the allegations contained in Paragraph 46 of the EPA's Complaint.

47. Respondent admits the allegations contained in Paragraph 47 of the EPA's Complaint.

48. Respondent admits the allegations contained in Paragraph 48 of the EPA's Complaint.

49. Respondent admits the allegations contained in Paragraph 49 of the EPA's Complaint.

50. Respondent admits the allegations contained in Paragraph 50 of the EPA's Complaint.

51. Respondent admits the allegations contained in Paragraph 51 of the EPA's Complaint.

52. Respondent admits the allegations contained in Paragraph 52 of the EPA's Complaint.

53. Respondent admits the allegations contained in Paragraph 53 of the EPA's Complaint.

54. Respondent admits the allegations contained in Paragraph 54 of the EPA's Complaint.

55. Respondent admits the allegations contained in Paragraph 55 of the EPA's Complaint.

56. Respondent admits the allegations contained in Paragraph 56 of the EPA's Complaint.



57. Respondent admits the allegations contained in Paragraph 57 of the EPA's Complaint.

58. Respondent admits the allegations contained in Paragraph 58 of the EPA's Complaint.

59. Respondent admits the allegations contained in Paragraph 59 of the EPA's Complaint.

60. Respondent admits the allegations contained in Paragraph 60 of the EPA's Complaint.

61. Respondent admits the allegations contained in Paragraph 61 of the EPA's Complaint.

62. Respondent admits the allegations contained in Paragraph 62 of the EPA's Complaint.

63. Respondent admits the allegations contained in Paragraph 63 of the EPA's Complaint.

64. Respondent admits the allegations contained in Paragraph 1 of the EPA's Complaint.

65. Respondent admits the allegations contained in Paragraph 65 of the EPA's Complaint.

66. Respondent admits the allegations contained in Paragraph 66 of the EPA's Complaint.

67. Respondent admits the allegations contained in Paragraph 67 of the EPA's Complaint.

68. Respondent admits the allegations contained in

Paragraph 68 of the EPA's Complaint.

69. Respondent admits the allegations contained in Paragraph 69 of the EPA's Complaint.

70. Respondent admits the allegations contained in Paragraph 70 of the EPA's Complaint.

71. Respondent admits the allegations contained in Paragraph 71 of the EPA's Complaint.

**COUNT ONE**

**(Lead Warning Statement)**

72. Respondent repeats and realleges its answers to Paragraphs 1 through 71 as if set forth fully herein at length.

73. Respondent admits the allegations contained in Paragraph 73 of the EPA's Complaint.

74. Respondent lacks sufficient knowledge to either admit or deny the allegations set forth in Paragraph 74 of the EPA's Complaint.

75. Respondent admits the allegations contained in Paragraph 75 of the EPA's Complaint.

76. Respondent denies the allegations contained in Paragraph 76 of the EPA's Complaint. The contract did in fact contain a lead warning statement pursuant to 40 C.F.R. Sec. 745.113(b)(1) and was executed and made part of the tenant's file at the time of leasing.

77. Respondent lacks sufficient knowledge to either admit or deny the allegations set forth in Paragraph 77 of the EPA's Complaint.

78. Respondent denies the allegations contained in Paragraph 78 of the EPA's Complaint. Respondent has ensured that the lessor has performed all activities required under 40 C.F.R. Sec. 745.113(b)(1) and any cited violations are in error.

**COUNT TWO**

**(Statement Disclosing Known Lead-Based Paint)**

79. Respondent repeats and realleges its answers to Paragraphs 1 through 78 as if set forth fully herein at length.

80. Respondent admits the allegations contained in Paragraph 80 of the EPA's Complaint.

81. Respondent lacks sufficient knowledge to either admit or deny the allegations set forth in Paragraph 81 of the EPA's Complaint.

82. Respondent admits the allegations contained in Paragraph 82 of the EPA's Complaint.

83. Respondent denies the allegations contained in Paragraph 83 of the EPA's Complaint. A statement by a lessor disclosing the presence of known lead base paint under a lead-based paint hazard or indicating no knowledge of such presence, was in fact executed and included in the tenant's file at

the time of leasing.

84. Respondent lacks sufficient knowledge to either admit or deny the allegations set forth in Paragraph 84 of the EPA's Complaint.

85. Respondent denies the allegations contained in Paragraph 85 of the EPA's Complaint. Respondent has ensured that the lessor has performed all activities required under 40 C.F.R. Sec. 745.113(b)(2) and any cited violations are in error.

**COUNT THREE**

**(List of Records or Reports Pertaining to Lead-Based Paint)**

86. Respondent repeats and realleges its answers to Paragraphs 1 through 85 as if set forth fully herein at length.

87. Respondent admits the allegations contained in Paragraph 87 of the EPA's Complaint.

88. Respondent lacks sufficient knowledge to either admit or deny the allegations set forth in Paragraph 88 of the EPA's Complaint.

89. Respondent admits the allegations contained in Paragraph 89 of the EPA's Complaint.

90. Respondent denies the allegations contained in Paragraph 90 of the EPA's Complaint. Respondent maintains a list of any records or reports available to the lessor pertaining to lead base paint and/or lead paint hazards

that have been provided for lessee, or an indication that no such records or reports are available were executed and included in the tenant's file at the time of leasing.

91. Respondent lacks sufficient knowledge to either admit or deny the allegations set forth in Paragraph 74 of the EPA's Complaint.

92. Respondent denies the allegations contained in Paragraph 92 of the EPA's Complaint. Respondent has ensured that the lessor has performed all activities required under 40 C.F.R. Sec. 745.113(b)(3) and any cited violations are in error.

#### COUNT FOUR

##### **(Lessee's Receipt of Information)**

93. Respondent repeats and realleges its answers to Paragraphs 1 through 92 as if set forth fully herein at length.

94. Respondent admits the allegations contained in Paragraph 94 of the EPA's Complaint.

95. Respondent lacks sufficient knowledge to either admit or deny the allegations set forth in Paragraph 95 of the EPA's Complaint.

96. Respondent admits the allegations contained in Paragraph 96 of the EPA's Complaint.

97. Respondent denies the allegations contained in Paragraph 91 of the EPA's Complaint. Respondent maintains

the tenant's file contained an attachment in accordance with C.F.R. 745.113(b)(4) at the time of leasing.

98. Respondent lacks sufficient knowledge to either admit or deny the allegations set forth in Paragraph 98 of the EPA's Complaint.

99. Respondent denies the allegations contained in Paragraph 91 of the EPA's Complaint. Respondent ensures that the lessor has performed all activities required under 40 C.F.R. 745.113(b)(4) at the time of leasing and any cited violations are in error.

#### COUNT FIVE

##### **(Lessor, Agent and Lessee Certification Statement)**

100. Respondent repeats and realleges its answers to Paragraphs 1 through 99 as if set forth fully herein at length.

101. Respondent admits the allegations contained in Paragraph 101 of the EPA's Complaint.

102. Respondent lacks sufficient knowledge to either admit or deny the allegations set forth in Paragraph 102 of the EPA's Complaint.

103. Respondent admits the allegations contained in Paragraph 103 of the EPA's Complaint.

104. Respondent denies the allegations contained in Paragraph 104 of the EPA's Complaint. Respondent maintains

the contract did in fact contain signatures of the lessor, agents, or lessees certifying to accuracy of their statements, to the best of their knowledge, along with the dates of the signature which documents were included in the tenant's file at the time of leasing.

105. Respondent lacks sufficient knowledge to either admit or deny the allegations set forth in Paragraph 105 of the EPA's Complaint.

106. Respondent denies the allegations contained in Paragraph 106 of the EPA's Complaint. Respondent insures that the lessor has performed all activities required under 40 C.F.R. 745.113(b)(6) at the time of leasing and any cited violations are in error.

**WHEREFORE**, Respondent demands the EPA's Complaint be dismissed in its entirety without cost to Respondent.

**NOTICE OF HEARING REQUEST**

Please be advised, Respondent hereby requests a hearing pursuant to 40 C.F.R. 22.15(c) be conducted in accordance with the relevant provisions of the Administrative Procedure Act, 5 U.S.C. §551-59, and the applicable procedures set forth in Subpart D of 40 C.F.R. Part 22.

**NOTICE OF REQUEST FOR INFORMAL SETTLEMENT CONFERENCE**

Please be advised, Respondent hereby requests an

informal settlement conference relative to the allegations set forth in the instant Complaint in accordance with 40 C.F.R. Sec. 22.18(b).

LEVY, EHRLICH & PETRIELLO  
A Professional Corporation  
Attorneys for Respondent

By:   
DEREK D REED

DATED: December 28, 2007

AnAudubonjR