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US Environmental Protection Agency
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June 3rd 2009

Below is my request for a formal hearing and answers to the allegations set forth in Docket Number TSCA-01-2009-0055

Section IV. General Allegations

- 10. Respondent Peter Fondini does in fact reside at 20 Prouty Road, Burlington, MA. Mr. Fondini once owned and offered for lease residential real estate.
- 11. Respondent Michael Walsh does in fact reside at 357 North Main Street, North Smithfield, RI. Mr. Walsh once owned and offered for lease residential real estate.
- 12. Mr. Walsh and Mr. Fondini did own and offer for lease eleven residential apartments located at 47/49 and 63/65 Chester Street, Woonsocket, RI during the time of the alleged violations listed in the formal complaint (Docket Number TSCA-01-2009-0055).
- 13. As noted in allegation 12 above Mr. Fondini and Mr. Walsh were RI.
- 14. Mr. Fondini and Mr. Walsh did offer for lease the following units to lessees listed in allegation #14, however the dates referenced in the allegation are incorrect and should be reflected as follows:
 - a. On March 1st 2002, Tina Falls moved in and occupied a rental unit located at 63/65 Chester Street, Woonsocket, RI – not the date of December 11th 2005 listed in allegation #14.
 - b. On March 1st 2005, Santina Samos moved in and occupied a rental unit located at 63/65 Chester Street, Woonsocket, RI – not the date of December 11th 2005 listed in allegation #14.
 - c. On July 1st, 1996, Cecile and Joseph Parenteau moved in and occupied a rental unit located at 47/49 Chester Street, Woonsocket, RI (Prior to Mr. Fondini and Mr. Walsh owning said property), not the date of December 11th 2005 listed in allegation #14.
 - d. On November 1st 2002, Theresa Winston moved in and occupied a rental unit located at 47/49 Chester Street,

Woonsocket, RI – not the date of December 11th 2005 listed in allegation #14.

- 15. The housing units listed in allegation #14 above are at the time of the alleged violations in the Complaint “target housing” as defined in 40 C.F.R.
- 16. Alleged allegations in #16 are really in two parts,
 - 1) First part references elevated lead levels of children who resided at 63/65 Chester Street, Woonsocket causing a lead inspection by the RIDOH on October 14th 1999 – This is prior to Mr. Fondini’s and Mr. Walsh’s ownership of said property and no knowledge of said children with elevated lead levels.
 - 2) Second part references elevated lead level of child who resided at 47/49 Chester Street, Woonsocket causing a lead inspection by the RIDOH on March 4th 2004 is in fact a true statement.
- 17. Alleged allegations in #17 are also multi-parts and should be addressed separately below:
 - 1) 1st Notice of Violations (NOV) issued by RIDOH on November 8th, 1999 was prior to Mr. Fondini’s and Mr. Walsh’s ownership of said property located at 63/65 Chester Street, Woonsocket, RI and no knowledge of said inspections or NOV were disclosed by Mr. Dunphy during or after the purchase of said property.
 - 2) 2nd Notice of Violations (NOV) issued by RIDOH on November 20th, 2000 like prior notice was prior to Mr. Fondini’s and Mr. Walsh’s ownership of said property again with no knowledge or disclosure by Mr. Dunphy during or after purchase of said property.
 - 3) On January 31st, 2001 Mr. Fondini and Mr. Walsh did in fact purchase said property located at 63/65 Chester Street, Woonsocket, again without any disclosures being made by Mr. Dunphy pertaining to any NOV’s by the RIDOH and or any existing housing violation by the Woonsocket Minimum House Office.
 - 4) Mr. Fondini and Mr. Walsh have no knowledge of said Notice of Intention to file suit referenced dated June 6th, 2001 by the RI Office of the Attorney General.
 - 5) In October 2003, RIDOH issued a lead safe certification for the interior of said property located at 63/65 Chester, Street Woonsocket, RI. Mr. Fondini and Mr. Walsh became aware of this existing lead hazard during an inspection conducted by the RIDOH just a month before in September 2003. During this follow-up inspection the soil was still deemed a lead hazard so full abated was not granted until July 2004 when the weather permitted fully compliance to occur.

- 18. As a result of the March 4th 2004 inspection performed by the RIDOH on said property located at 47/49 Chester Street, Woonsocket, a NOV was issued to Greater Providence Realty Inc. (in which Mr. Fondini and Mr. Walsh were principals) for lead hazard violations. Mr. Fondini and Mr. Walsh have no recollection of second NOV referenced in alleged allegation #18 for said property located at 47/49 Chester Street, Woonsocket, RI. On August 10th, 2004 a second NOV (as noted in the letter from the RIDOH) was issued by RIDOH for failure to fully abate said lead hazard. On October 14th, 2004 a lead safe certificate was issued by the RIDOH for successful interior lead hazard abatement of said property located at 47/49 Chester Street, Woonsocket, RI. On June 17th, 2005 the final lead safe certificate was issued by the RIDOH of the outstanding exterior lead hazard remaining on said property.
- 19. Alleged allegations in #19 references the database maintained by the RIDOH of blood test for children under age six in RI. Mr. Fondini and Mr. Walsh assume the existence of the database is valid and have no formal knowledge of said database. Upon Mr. Fondini and Mr. Walsh being made aware of the existing lead hazard's of said property's located at 47/49 Chester Street and 63/65 Chester Street, remediation plans were acted upon and lead safe certificates were obtained from the RIDOH as noted in alleged allegations #17 and #18.
- 20. Mr. Walsh has no knowledge of the particulars discussed during the EPA inspection of Mr. Fondini's residence of 16 Carey Ave during July 12th, 2007.
- 21. Mr. Fondini and Mr. Walsh have no recollection of said inspection conducted by the EPA on October 3rd, 2007 of said properties located at 47/49 Chester Street, and 63/65 Chester Street, Woonsocket, RI.
- 22-24 Reference only.
- 25. Mr. Fondini and Mr. Walsh as stated in alleged allegation # 25 did in fact fail to provide the following lessees with an approved EPA lead hazard pamphlet prior to dates referenced below and not the dates noted in alleged allegation #25:
 - 1) On March 1st 2002, Tina Falls moved in and occupied a rental unit located at 63/65 Chester Street, Woonsocket, RI – not the date of December 11th 2005 listed in allegation #25.
 - 2) On March 1st 2005, Santina Samos moved in and occupied a rental unit located at 63/65 Chester Street, Woonsocket, RI – not the date of December 11th 2005 listed in allegation #25.
 - 3) On July 1st, 1996, Cecile and Joseph Parenteau moved in and occupied a rental unit located at 47/49 Chester Street, Woonsocket, RI (Prior to Mr. Fondini and Mr. Walsh owning

said property), not the date of December 11th 2005 listed in allegation #25.

- 4) On November 1st 2002, Theresa Winston moved in and occupied a rental unit located at 47/49 Chester Street, Woonsocket, RI – not the date of December 11th 2005 listed in allegation #25.
- 26-27-28 Reference only.
 - 29. Mr. Fondini and Mr. Walsh as stated in alleged allegation #17 & #18 had no knowledge of any existing lead hazards or RIDOH issued NOV's of said properties located at 47/49 Chester Street and 63/65 Chester Street prior to said tenants becoming residents:
 - 1) On March 1st 2002, Tina Falls moved in and occupied a rental unit located at 63/65 Chester Street, Woonsocket, RI – as noted in alleged allegation # 17, Mr. Fondini and Mr. Walsh became aware of lead hazard violation in September 2003 therefore had no knowledge of lead hazard violations prior to occupancy as alleged in allegation #29.
 - 2) On March 1st 2005, Santina Samos moved in and occupied a rental unit located at 63/65 Chester Street, Woonsocket, RI – as noted in alleged allegation # 17, Mr. Fondini and Mr. Walsh received lead safe certificates for interior of said property in October 2003 and for exterior in July 2004, therefore no lead hazard existed as alleged in alleged allegation #29.
 - 3) On July 1st, 1996, Cecile and Joseph Parenteau moved in and occupied a rental unit located at 47/49 Chester Street, Woonsocket, RI (Prior to Mr. Fondini and Mr. Walsh owning said property), as noted in alleged allegation # 18, Mr. Fondini and Mr. Walsh became aware of lead hazard violation in March 2004 therefore had no knowledge of lead hazard violations prior to occupancy as alleged in allegation #29
 - 4) On November 1st 2002, Theresa Winston moved in and occupied a rental unit located at 47/49 Chester Street, Woonsocket, RI – as noted in alleged allegation # 18, Mr. Fondini and Mr. Walsh became aware of lead hazard violation in March 2004 therefore had no knowledge of lead hazard violations prior to occupancy as alleged in allegation #29.
 - 30-31-32 Mr. Fondini and Mr. Walsh have addressed in above alleged allegations #25 & #29.
 - 33-44 Reference only

- 35 Mr. Fondini and Mr. Walsh was not aware of the requirement therefore did in fact fail to include a lead warning statement as an attachment to contract to lease and occupy said properties located at 47/49 Chester Street and 63/65 Chester Street, Woonsocket, RI.
- 36-37-38 Reference only.
- 39 Mr. Fondini and Mr. Walsh as noted in alleged allegations #17, #18 and #29 were not aware of any existing lead hazards therefore did in fact fail to include a lead warning statement as an attachment to contract to lease and occupy to said tenant of said properties located at 47/49 Chester Street and 63/65 Chester Street, Woonsocket, RI.
- 40-41-42 Mr. Fondini and Mr. Walsh as noted in multiple alleged allegations above had no knowledge of the existence of lead hazard prior to said tenants occupancy of said properties located at 47/49 Chester Street and 63/65 Chester Street, Woonsocket, RI.
- 43-44-45-46 Reference only.

REGARDS
Michael Walsh