

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
NEW ENGLAND
ONE CONGRESS STREET, SUITE 1100, BOSTON, MA 02114-2023

MEMORANDUM

DRAFT DATE: March 25, 2008
FINAL DATE: August 12, 2008

SUBJ: Section 1018 & 406b Inspections of John C. Jones

FROM: Ronnie Levin, Environmental Protection Scientist
Alma Padilla, SEE Lead Inspector
Toxics and Pesticides Unit, EPA

THRU: Sharon Hayes, Senior Enforcement Coordinator
Nancy Barmakian, Manager
Toxics and Pesticides Unit, EPA

TO: File

I. General Information

- A. Landlord: John C. Jones
318 Warren Street
Roxbury, MA 02119
- B. Date of Inspection: March 25, 2008
- C. Personnel Participating in Inspection:
Ronnie Levin, Environmental Protection Scientist, EPA
Alma Padilla, SEE Lead Inspector, EPA
John C. Jones, Landlord/Owner

II. Purpose of the Inspection

This EPA inspection was conducted to document and verify compliance with Section 1018, the Real Estate Notification and Disclosure Rule ("Disclosure Rule") codified at 40 C.F.R. 745, Subpart F, and with Section 406(b), the Renovation of Target Housing Rule, codified at 40 C.F.R. § 745(b) ("Pre-Renovation Rule").

III. Opening Conference

On March 25, 2008, EPA Inspector Levin and Inspector Padilla (“the inspection team”) arrived at 318 Warren Street, Roxbury, MA, at around 2:00 p.m., a little later than previously arranged. The inspection was actually conducted across the street at McDonald’s, since “all units at 318 Warren Street are occupied”, and Mr. Jones does not have an office. The inspection team introduced themselves, and Inspector Levin explained the purpose of the inspection. Inspector Levin presented her credentials to Mr. Jones and gave him a business card. Inspector Levin explained the *Notice of Inspection* forms. Mr. Jones refused to sign them because he is very leery of signing any document in general. He did sign a short paragraph on Inspector Levin’s notebook consenting to meet with the EPA inspectors for an inspection.

An EPA compliance assistance packet containing information regarding the Disclosure and Pre-Renovation Rules was provided to Mr. Jones. Inspector Levin reviewed the Lead Disclosure Rule as well as the Pre-Renovation Rule requirements. Mr. Jones seemed to be unaware of both the Disclosure Rule and the Pre-Renovation Rule requirements. According to Mr. Jones, most of his units are subsidized, and he does what the agencies (either Boston Housing Authority or Metropolitan Boston Housing Partnership) require him to do, namely, have lead inspections done on the units and have units “de-lead” if a child under 6 years of age lives in the unit. He thinks that he is in compliance by doing what the agencies require him to do. Inspector Levin proceeded to explain the difference between the state and federal requirements, but Mr. Jones wanted the “Readers’ Digest” version, since he already “knows about lead”. He kept on asking why EPA is inspecting him when he already deals with agencies that make him fill out all kinds of forms and make sure he is in compliance with the lead laws. Mr. Jones indicated that he gives a copy of the Letter of Compliance to the tenant but does not use a disclosure form, so Inspector Levin showed him how to fill one out and repeated that a copy of this form has to be given to tenants, together with a copy of EPA’s pamphlet. She also mentioned that a copy of the pamphlet should be given to the tenants again, together with a notification, if repairs are to be made in the unit that would disturb more than 2 square feet of painted surface.

IV. Facility’s Operation

Mr. Jones came to EPA’s attention from a drive-by in the area, where one of the deteriorated properties was identified to belong to him. It turned out that he no longer owns that property. He owns 5 properties with a total of 15 target housing units, most of them under Section 8. (The inspection team drove by 3 of the properties, which were not in bad condition.) He has been the subject of a receivership, so that some of his properties were sold, but not under his name.

When asked about elevated blood lead levels in his properties, Mr. Jones said that there was a child with elevated blood lead level way back in 1978.

The turn-over rate was approximately 3 to 4 per year. Mr. Jones had found and brought 3 leases from the last 2 years. He also brought some copies of Letters of Compliance for his units. He indicated that he has not found all the leases from the last 2 years, since his paperwork is all over the place. Inspector Levin asked him to send all the documents he has to EPA by April 23rd.

V. Record Review

There were no records to review.

VI. Closing Conference

An out-brief was conducted at around 3:00 p.m. Inspector Levin reviewed what Mr. Jones has to send to EPA by April 23:

- Copies of 7 leases from the last 2 years. It was also strongly suggested that he fill out a disclosure form for these units and send a copy to EPA.
- Copies of Letters of Compliance, lead-based paint inspection reports, risk assessment reports, and any other document he has pertaining to lead.

The inspection team thanked Mr. Jones for his courtesy and cooperation during the inspection. The inspection ended shortly after 3:00 p.m.

Inspector Levin sent a package with 8 pamphlets and 4 disclosure forms to Mr. Jones 3/26/08.

