



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

FEB 05 2009

REPLY TO THE ATTENTION OF:

L-8J

CERTIFIED MAIL

Receipt No. 7001 0320 0005 8921 5146

Ms. Kathryn Y. Lewis-Campbell
1618 Shadeland Drive
Springfield, Ohio 45503

Re: In the Matter of Kathryn Y. Lewis-Campbell
Docket No: **TSCA-05-2009-0004**

Dear Ms. Lewis-Campbell:

I have enclosed an Administrative Complaint filed by the U.S. Environmental Protection Agency, Region 5, under Section 16(a) of the Toxic Substances Control Act, 15 U.S.C. § 2615(a). The complaint alleges violations of the Residential Lead-Based Paint Hazard Reduction Act of 1992, 42 U.S.C. §§ 4851 et seq.

As provided in the complaint, if you would like to request a hearing, you must do so in your answer to the complaint. Please note that if you do not file an answer with the Regional Hearing Clerk (E-13J), U.S. EPA, Region 5, 77 West Jackson Blvd., Chicago, IL 60604 within 30 days of your receipt of this complaint, a default order may be issued and the proposed civil penalty will become due 30 days later.

In addition, whether or not you request a hearing, you may request an informal settlement conference. If you wish to request a conference, or if you have any questions about this matter, please contact Scott Cooper of my staff, at (312) 886-1332, or Richard R. Wagner, Senior Attorney, Office of Regional Counsel, at (312) 886-7947.

Sincerely,

A handwritten signature in black ink, appearing to read "Margaret M. Guerriero".

Margaret M. Guerriero
Director
Land and Chemicals Division

Enclosure

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5

RECEIVED
FEB - 9 2009

_____))
In the Matter of:))
))
Kathryn Y. Lewis-Campbell))
Springfield, Ohio))
))
))
Respondent.))
_____))

Docket No. TSCA-05-2009-0004 REGIONAL HEARING CLERK
ENVIRONMENTAL PROTECTION AGENCY

Proceeding to Assess a Civil Penalty
Under Section 16(a) of the Toxic Substances
Control Act

COMPLAINT

1. This is an administrative proceeding to assess a civil penalty under Section 16(a) of the Toxic Substances Control Act (TSCA), 15 U.S.C. United States Code § 2615(a).
2. The Director of the Land and Chemicals Division, EPA, Region 5, is, by lawful delegation from the Administrator, the Complainant in this matter.
3. Respondent is Kathryn Y. Lewis-Campbell, residing at 1618 Shadeland Drive, Springfield, Ohio 45503.

Statutory and Regulatory Background

4. In promulgating the Residential Lead-Based Paint Hazard Reduction Act of 1992, at 42 U.S.C. § 4851 *et seq.*, Congress found, among other things, that low-level lead poisoning is widespread among American children, afflicting as many as 3,000,000 children under the age of 6; at low levels, lead poisoning in children causes intelligence deficiencies, reading and learning disabilities, impaired hearing, reduced attention span, hyperactivity, and behavior problems; and the ingestion of household dust containing lead from deteriorating or abraded lead-based paint is the most common cause of lead poisoning in children. Key components of the national strategy to reduce and eliminate the threat of childhood lead poisoning are mandatory disclosure and

notification requirements for residential rentals and sales. Section 1018, 42 U.S.C. § 4852d, requires the Administrator of EPA to promulgate regulations for the disclosure of lead-based paint hazards in target housing which is offered for sale or lease.

5. On March 6, 1996, EPA promulgated regulations codified at 40 C.F.R. Part 745, Subpart F, Disclosure of Known Lead-Based Paint and/or Lead-Based Paint Hazards Upon Sale or Lease of Residential Property (Disclosure Rule) pursuant to 42 U.S.C. § 4852d. Owners of one to four residential dwellings must comply with the Disclosure Rule by December 6, 1996, pursuant to 40 C.F.R. § 745.102(b).

6. The Disclosure Rule implements the provisions of 42 U.S.C. § 4852d which impose certain requirements on the sale or lease of target housing.

7. 40 C.F.R. § 745.103 defines target housing as any housing constructed prior to 1978, except housing for the elderly or persons with disabilities (unless any child who is less than 6 years of age resides or is expected to reside in such housing) or any 0-bedroom dwelling.

8. 40 C.F.R. § 745.103 defines “lessor” as any entity that offers target housing for lease, rent, or sublease, including but not limited to individuals, partnerships, corporations, trusts, government agencies, housing agencies, Indian tribes, and nonprofit organizations.

9. 40 C.F.R. § 745.103 defines “lessee” as 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 nonprofit organizations.

10. 40 C.F.R. § 745.103 defines “agent” as any party who enters into a contract with a seller or a 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.

11. 40 C.F.R. § 745.103 defines “seller” as any entity that transfers legal title to target housing, in whole or in part, in return for consideration, including but not limited to individuals, partnerships, corporations, trusts, government agencies, housing agencies, Indian tribes, and nonprofit organizations.

12. 40 C.F.R. § 745.103 defines “purchaser” as any 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 nonprofit organizations.

13. 40 C.F.R. § 745.100 requires, among other things, that the seller or lessor of target housing complete the required disclosure activities before a purchaser or lessee is obligated under any contract to purchase or lease target housing.

14. 40 C.F.R. § 745.113(a) requires that each contract to sell target housing include an attachment containing a lead warning statement; a statement by the seller disclosing the presence of any known lead-based paint and/or lead-based paint hazards or lack of knowledge of such presence; a list of any records or reports available to the seller that have been provided to the purchaser regarding lead-based paints and/or lead-based paint hazards in the target housing or a statement that no such records are available; a statement by the purchaser affirming receipt of the information set out in 40 C.F.R. § 745.113(a)(2) and (3) and the Lead Hazard Information

Pamphlet; a statement by the purchaser that he or she has received or waived the opportunity to conduct the risk assessment or inspection required by 40 C.F.R. § 745.110(a); and signatures and dates of signatures of the seller, and purchaser certifying the accuracy of their statements.

15. 40 C.F.R. § 745.113(b) requires that each contract to lease target housing include, as an attachment or within the contract, a lead warning statement; a statement by the lessor disclosing the presence of any known lead-based paint and/or lead-based paint hazards or the lack of knowledge of such presence; a list of any records or reports available to the lessor regarding lead-based paints and/or lead-based paint hazards in the target housing or a statement that no such records exist; a statement by the lessee affirming receipt of the information set out in 40 C.F.R. § 745.113(b)(2) and (3) and the Lead Hazard Information Pamphlet; and signatures and dates of signatures of the lessor, and lessee certifying the accuracy of their statements.

16. Under 42 U.S.C. § 4852d(b)(5) and 40 C.F.R. § 745.118(e), failing to comply with the Disclosure Rule violates Section 409 of TSCA, 15 U.S.C. § 2689, which may subject the violator to administrative civil penalties under Section 16(a) of TSCA, 15 U.S.C. § 2615(a), 42 U.S.C. § 4852d(b)(5), and 40 C.F.R. § 745.118(f).

17. The Administrator of EPA may assess a civil penalty of up to \$11,000 for each violation of Section 409 of TSCA that occurred after July 28, 1997 through January 12, 2009][and may assess a civil penalty of up to \$16,000 for each violation of Section 409 that occurred after January 12, 2009], pursuant to 42 U.S.C. § 4852d(b)(5), 15 U.S.C. § 2615(a), and 40 C.F.R. Part 19.

General Allegations

18. That in September 2006, Respondent entered into a Real Estate Purchase Agreement (the "Agreement") with Donald Freeman, Jr., agreeing to sell to Donald Freeman, Jr., certain real property located in Springfield, Ohio 45505, at 137 East Southern Avenue, and further described in the Agreement. See Attachment A.

19. That the real property subject to the Agreement included a house

20. That the house identified in Paragraph 19 was constructed prior to 1978.

21. That the house identified in Paragraph 19 is "target housing," as defined in Section 1004(27) of the Act, 42 U.S.C. § 4851b(27); and 40 C.F.R. § 745.103.

22. That as a result of its entering into the Agreement identified in Paragraph 18, the Respondent was a "seller" as defined in 40 C.F.R. § 745.103.

23. That as a result of the Agreement identified in Paragraph 18, Donald Freeman, Jr., became a "purchaser" as defined in 40 C.F.R. § 745.103.

Count I

24. That paragraphs 1 through 23 are incorporated herein by reference.

25. That 40 C.F.R. § 745.107(a)(1), in part, with exemptions not applicable, provides that, before the purchaser is obligated to purchase target housing, the seller shall provide the purchaser with an EPA-approved lead hazard information pamphlet.

26. That by the Agreement, which was identified on its face as a "legally binding contract" when completed and signed, Donald Freeman, Jr., was obligated to purchase the property identified in paragraph 18.

27. That at the signing of the Agreement Respondent failed to provide to Donald Freeman, Jr., an EPA-approved lead hazard information pamphlet.

28. That Respondent's failure to provide an EPA-approved lead hazard information pamphlet, as set forth in paragraph 27, is a violation of 40 C.F.R. § 745.107(a)(1), and, consequently, a violation of Section 409 of TSCA, 15 U.S.C. § 2689, causing Respondent to be liable for a civil penalty under Section 16(a) of TSCA, 15 U.S.C. § 2615(a).

Count II

29. That paragraphs 1 through 28 are incorporated herein by reference.

30. That 40 C.F.R. § 113(a)(1) provides that each contract to sell target housing shall include an attachment containing a "Lead Warning Statement," consisting of language set out in 40 C.F.R. § 113(a)(1) .

31. That the Agreement was a contract to sell target housing.

32. That Respondent failed to include as an attachment to the Agreement any Lead Warning Statement.

33. That Respondent's failure to provide a Lead Warning Statement, as set forth in paragraph 32, is a violation of 40 C.F.R. § 745.113(a)(1), and, consequently, a violation of Section 409 of TSCA, 15 U.S.C. § 2689, causing Respondent to be liable for a civil penalty under Section 16(a) of TSCA, 15 U.S.C. § 2615(a).

Count III

34. That paragraphs 1 through 33 are incorporated herein by reference.

35. That 40 C.F.R. § 745.113(a)(2) provides that each contract to sell target housing shall include as an attachment or within the contract, “[a] statement by the seller disclosing the presence of known lead-based paint and/or lead-based paint hazards in the target housing being sold or indicating no knowledge of the presence of lead-based paint and/or lead-based paint hazards.”

36. That Respondent failed to include as an attachment to the Agreement a statement disclosing the presence of lead-based paint and/or lead-based paint hazards in the residential property it was leasing, or indicating that it had no knowledge of the presence of lead-based paint and/or lead-based paint hazards in that property.

37. That Respondent’s failure to include a statement disclosing its knowledge or lack of knowledge regarding lead-base paint and its hazards in the residential property it was leasing, as set forth in paragraph 36, is a violation of 40 C.F.R. § 745.113(a)(2), and, consequently, a violation of Section 409 of TSCA, 15 U.S.C. § 2689, causing Respondent to be liable for a civil penalty under Section 16(a) of TSCA, 15 U.S.C. § 2615(a).

Count IV

38. That paragraphs 1 through 37 are incorporated herein by reference.

39. That 40 C.F.R. § 745.113(a)(3) provides that each contract to sell target housing shall include as an attachment “[a] list of any records or reports available to the seller pertaining to lead-based paint hazards in the housing that have been provided to the purchaser,” or, “[i]f no such records or reports are available, the seller shall so indicate.”

40. That Respondent failed to include as an attachment to the Agreement a list of any records or reports it had available, and provided to the Donald Freeman, Jr., pertaining to lead-based paint hazards in the residential property identified in the lease, or a statement that it had no such records or reports available.

41. That Respondent's failure to include a list of available records or reports pertaining to lead-based paint hazards which it provided the lessor, or, in the alternative, to indicate that no such records or reports were available, as set forth in paragraph 40, is a violation of 40 C.F.R. § 745.113(a)(3), and, consequently, a violation of Section 409 of TSCA, 15 U.S.C. § 2689, causing Respondent to be liable for a civil penalty under Section 16(a) of TSCA, 15 U.S.C. § 2615(a).

Count V

42. That paragraphs 1 through 41 are incorporated herein by reference.

43. That 40 C.F.R. § 745.113(a)(4) provides that each contract to sell target housing shall include as an attachment "[a] statement by the purchaser affirming receipt of the information set out in paragraph (a)(2) and (a)(3) of this section and the lead hazard information pamphlet required under 15 U.S.C. 2696."

44. That Respondent failed to include as an attachment to the Agreement a statement by Donald Freeman, Jr., affirming receipt of the information set out in 40 C.F.R. § 745.113(a)(2) and (a)(3), and of the lead hazard information pamphlet required under 15 U.S.C. 2696.

45. That Respondent's failure to include as an attachment to the Agreement a statement by Donald Freeman, Jr., affirming receipt of the information and pamphlet, as set forth in

paragraph 44, is a violation of 40 C.F.R. § 745.113(a)(4), and, consequently, a violation of Section 409 of TSCA, 15 U.S.C. § 2689, causing Respondent to be liable for a civil penalty under Section 16(a) of TSCA, 15 U.S.C. § 2615(a).

Count VI

46. That paragraphs 1 through 45 are incorporated herein by reference.

47. That 40 C.F.R. § 745.113(a)(5) provides that each contract to sell target housing shall include as an attachment “[a] statement by the purchaser that he/she has either: (i) received the opportunity to conduct the risk assessment or inspection required by § 745.110(a); or (ii) waive the opportunity.”

48. That Respondent failed to include as an attachment to the Agreement a statement by Donald Freeman, Jr., stating that he has either: (i) received the opportunity to conduct the risk assessment or inspection required by § 745.110(a); or (ii) waive the opportunity.

49. That Respondent’s failure to include as an attachment to the Agreement a statement by Donald Freeman, Jr., as identified in paragraph 48, is a violation of 40 C.F.R. § 745.113(a)(5), and, consequently, a violation of Section 409 of TSCA, 15 U.S.C. § 2689, causing Respondent to be liable for a civil penalty under Section 16(a) of TSCA, 15 U.S.C. § 2615(a).

Proposed Civil Penalty

Complainant proposes that penalty amounts be assessed by the Administrator for the violations alleged in this Complaint a penalty, as follows:

Count I

42 U.S. C. §4852(b)(5) and 40 C.F.R. § 745.107(a)(1) \$ 11,000

Count II

42 U.S. C. §4852(b)(5) and 40 C.F.R. § 745.113(a)(1)) \$ 10,316

Count III

42 U.S. C. §4852(b)(5) and 40 C.F.R. § 745.113(a)(2)) \$ 7,737

Count IV

42 U.S. C. §4852(b)(5) and 40 C.F.R. § 745.113(a)(3)) \$ 2,579

Count V

42 U.S. C. §4852(b)(5) and 40 C.F.R. § 745.113(a)(4)) \$ 5,158

Count VI

42 U.S. C. §4852(b)(5) and 40 C.F.R. § 745.113(a)(5)) \$ 5,158

Total Penalty Amount Proposed \$ 43,238

In Section 16(a) of TSCA, 15 U.S.C. § 2615(a), Congress invests in the Administrator authority to assess a civil penalty for violations of Section 409 of TSCA, 15 U.S.C. § 2689. By Section 1018(b)(5) of the Act, 42 U.S.C. § 4852d(b)(5), Congress makes a violation of any rule or order issued under Section 1018 of the Act, 42 U.S.C. §4852d, a violation of Section 409 of TSCA, 15 U.S.C. § 2689, setting the penalty amount for each violation at not more than \$10,000. Pursuant to the Federal Civil Penalties Inflation Adjustment Act of 1990, 28 U.S.C. c 2461, as amended by the Debt Collection Improvement Act of 1996, 31 U.S.C. c 3701, and regulations promulgated thereunder, the Administrator may assess a civil penalty of up to \$11,000 per day

for each such violation of Section 1018 of the Act, 42 U.S.C. § 4852d, occurring after January 31, 1997. See 40 C.F.R. Part 19 (July 1, 2007).

Section 16(a)(2)(B) of TSCA, 15 U.S.C. § 2615(a)(2)(B), provides that, "in determining the amount of a civil penalty, the Administrator shall take into account the nature, circumstances, extent and gravity of the violation or violations alleged and, with respect to the violator, ability to pay, effect on ability to continue to do business, any history of prior such violations, the degree of culpability, and such other factors as justice may require."

In determining the penalty amount proposed in this Administrative Complaint, Complainant has analyzed the known evidence in this case, in consideration of the penalty criteria identified at Section 16(a)(2)(B) of TSCA, 15 U.S.C. § 2615(a)(2)(B), as interpreted in the Administrator's "Section 1018 - Disclosure Rule Enforcement Response Policy," dated December 2006 ("the Policy"). The Administrator's policy provides a rational, consistent and equitable calculation methodology for applying the statutory factors enumerated above to particular cases.

Consistent with the Administrator's published decisions, see *In Re New Waterbury, Ltd.*, 5 E.A.D. 529, at 541 (1994), Complainant presumes that Respondent has an ability to pay the amounts of penalty proposed. However, should Respondent raise as a claim in any Answer that it files its inability to pay the amount of penalty proposed, and make available to the Administrator's Delegated Complainant relevant and credible financial records which demonstrate that it does not have an ability to pay the amounts of penalty proposed, Complainant will set aside the presumption and reduce the amounts of penalty proposed

consistent with what is revealed in Respondent's financial records. Likewise, should Respondent provide Complainant credible information relevant to any other issue regarding the appropriate amount of penalty, on review of that information, Complainant will amend the amounts of penalty proposed if, and as, warranted.

Penalty Payment

Respondent may resolve this proceeding at any time by paying the proposed penalty by certified or cashier's check, payable to "Treasurer, the United States of America," delivered to:

U.S. Environmental Protection Agency
Fines and Penalties
Cincinnati Finance Center
P.O. Box 979077
St. Louis, Missouri 63197

Respondent must include the case name and docket number on the check and in the letter transmitting the check. Respondent simultaneously must send copies of the check and transmittal letter to:

Regional Hearing Clerk (E-19J)
U.S. EPA, Region 5
77 West Jackson Boulevard
Chicago, Illinois 60604

Richard R. Wagner (C-14J)
Office of Regional Counsel
U.S. EPA, Region 5
77 West Jackson Boulevard
Chicago, Illinois 60604

Scott Cooper (LC-8J)
Pesticides and Toxics Compliance Section
U.S. EPA, Region 5
77 West Jackson Boulevard
Chicago, Illinois 60604

Notice of Opportunity to Request a Hearing

Congress has provided that, before issuing an order assessing a civil penalty under Section 16 of TSCA, 15 U.S.C. § 2615, the Administrator shall give written notice to the alleged violator of the proposal to issue such an order, and of the alleged violator's opportunity to request a hearing prior to any such order being issued, Section 16(a)(1)(2)(A) of TSCA, 15 U.S.C. § 2615(a)(1)(2)(A), an obligation he fulfills by issuing this Administrative Complaint. Consequently, you have the right to request a hearing to challenge the facts alleged in the Administrative Complaint and the amount of civil penalty proposed to be assessed by the Administrator.

Any hearing and pre-hearing issues that may occur will be governed in accordance with the provisions of the Administrative Procedure Act, 5 U.S.C. §§ 551 *et seq.*, and the "Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation or Suspension of Permits," 40 C.F.R. Part 22 (July 1, 2007) ("the Administrator's Rules"). A copy of the Administrator's Rules accompanies this Complaint.

Answer and Request for Hearing

If you wish to avoid being found in default, you must file a written answer to the Complaint with the Regional Hearing Clerk (address above), within thirty (30) days of your receipt service of this Complaint. 40 C.F.R. § 22.15(a). In counting the 30-day time period, the

actual date of receipt is not included. Saturdays, Sundays, and federal legal holidays are included in the computation. If the 30-day period expires on a Saturday, Sunday or federal legal holiday, the time period is extended to include the next day which is not a Saturday, Sunday or federal legal holiday. 40 C.F.R. § 22.7(a).

By rule, 40 C.F.R. § 22.15(b), the Administrator provides that your Answer must clearly and directly admit, deny or explain each of the factual allegations contained in the Administrative Complaint with respect to which you have any knowledge, or, where you have no knowledge of a particular factual allegation, so state. In 40 C.F.R. § 22.15(b), the Administrator provides that your Answer also must state:

- 1. The circumstances or arguments that you allege constitute the grounds of defense;**
- 2. The facts that you dispute;**
- 3. The basis on which you dispute the proposed relief, that being the amount of penalty proposed; and**
- 4. Whether you request a hearing.**

Your failure to admit, deny or explain any material factual allegation in the Compliant will constitute an admission of the allegation. See 40 C.F.R. § 22.15(d).

You should further note that the Administrator provides that any hearing that shall be held will be a "hearing upon the issues raised by the complaint and answer." See 40 C.F.R. § 22.15(c). Consequently, your failure to raise an issue in your answer may preclude you from addressing the issue at hearing.

A copy of the Answer, and any subsequent documents filed by you with the Regional Hearing Clerk in this action, should be sent to Richard R. Wagner, Senior Attorney, (address above). Mr. Wagner's telephone number is (312) 886-7947.

Notwithstanding any request you may make for a hearing, if you fail to file an answer within thirty (30) days of your receipt of this Complaint, the Regional Administrator or Presiding Officer may issue a Default Order. 40 C.F.R. § 22.15(a); 40 C.F.R. § 22.17. Issuance of this Default Order will constitute a binding admission of all facts alleged in the Complaint and a waiver of your right to a hearing on those factual allegations. Any civil penalty determined appropriate in the Default Order shall then become due and payable, without further proceedings, on becoming a final order under 40 C.F.R. § 22.27(c). In addition, the default penalty is subject to the provisions relating to imposition of interest, penalty and handling charges set forth in the Federal Claims Collection Act of 1966, 31 U.S.C. § 3717. Interest will accrue on the default penalty at the rate established by the Secretary of the Treasury pursuant to 31 U.S.C. § 3717. EPA will impose a late payment handling charge of \$15.00 after thirty (30) days, with an additional charge of \$15.00 for each subsequent 30-day period over which an unpaid balance remains. In addition, EPA will apply a six (6) percent per annum penalty on any principal amount not paid within ninety (90) days of the date that the Default Order is signed by the Regional Administrator or Presiding Officer.

Settlement Conference

Whether or not Respondent requests a hearing, Respondent may request an informal settlement conference to discuss the facts of this proceeding and to arrive at a settlement. To


request an informal settlement conference, Respondent should contact Mr. Wagner, at the address or phone number specified above.

Respondent's request for an informal settlement conference does not extend the 30 calendar day period for filing a written answer to this complaint. Respondent may pursue simultaneously the informal settlement conference and the adjudicatory hearing process. EPA encourages all parties facing civil penalties to pursue settlement through an informal conference. EPA, however, will not reduce the penalty simply because the parties hold an informal settlement conference.

Continuing Obligation to Comply

Neither the assessment nor payment of a civil penalty will affect Respondent's continuing obligation to comply with the Act and any other applicable federal, state, or local law.

Dated: 2/5/09

By: 
Margaret M. Guerriero
Director
Land and Chemicals Division


CERTIFICATE OF SERVICE

This is to certify that the original and one copy of this Complaint involving Kathryn Y. Lewis-Campbell, was filed on February 9, 2009, with the Regional Hearing Clerk (E-13J), U. S. EPA, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, and that a true correct copy was sent by Certified Mail, Receipt No. 7001 0320 0005 8921 5146, along with a copy each of the "Consolidated Rules of Practice, 40 C.F.R. Part 22," and "Section 1018 Disclosure Rule Enforcement Response Policy" to:

Kathryn Y. Lewis-Campbell
1618 Shadeland Drive
Springfield, Ohio 45503

with intra-Agency copies to:

Marcy Toney, Regional Judicial Officer, ORC/C-14J
Robert Wagner, Counsel for Complainant/C-14J
Eric Volck, Cincinnati Finance/MWD



Frederick Brown, PTCS (LC-8J)
U.S. EPA, Region 5
77 West Jackson Boulevard
Chicago, Illinois 60604

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FEB - 9 2009

Docket No. TSCA-05-2009-0004

**REGIONAL HEARING CLERK
U.S. ENVIRONMENTAL
PROTECTION AGENCY**