



2. Paragraph two is an introductory paragraph containing no factual allegations and thus no response is necessary. To the extent a response is deemed necessary the Respondent has denies of the truth of the allegations made in Paragraph 2 of the Amended Complaint.

### **III. STATUTORY AND REGULATORY BACKGROUND**

3. Paragraph three is an introductory paragraph containing no factual allegations and thus no response is necessary. To the extent a response is deemed necessary the Respondent has no knowledge of the truth of the allegations made in Paragraph 3 of the Amended Complaint.
4. Paragraph four is an introductory paragraph containing no factual allegations and thus no response is necessary. To the extent a response is deemed necessary the Respondent has no knowledge of the truth of the allegations made in Paragraph 4 of the Amended Complaint.
5. Paragraph five is an introductory paragraph containing no factual allegations and thus no response is necessary. To the extent a response is deemed necessary the Respondent has no knowledge of the truth of the allegations made in Paragraph 5 of the Amended Complaint.
6. Paragraph six is an introductory paragraph containing no factual allegations and thus no response is necessary. To the extent a response is deemed necessary the Respondent has no knowledge of the truth of the allegations made in Paragraph 6 of the Amended Complaint.

7. Paragraph seven is an introductory paragraph containing no factual allegations and thus no response is necessary. To the extent a response is deemed necessary the Respondent has no knowledge of the truth of the allegations made in Paragraph 7 of the Amended Complaint.
8. Paragraph eight is an introductory paragraph containing no factual allegations and thus no response is necessary. To the extent a response is deemed necessary the Respondent has no knowledge of the truth of the allegations made in Paragraph 8 of the Amended Complaint.
9. Paragraph nine is an introductory paragraph containing no factual allegations and thus no response is necessary. To the extent a response is deemed necessary the Respondent has no knowledge of the truth of the allegations made in Paragraph 9 of the Amended Complaint.

#### **IV. GENERAL ALLEGATIONS**

10. Respondent admits the allegations contained in paragraph 10.
11. Respondent denies the allegation as to the mailing address of the Trust and admits the remainder of the allegations contained in paragraph 11.
12. Respondent is without sufficient information to either admit or deny the allegations contained in paragraph 12.

13. Respondent admits Atlas Property Management Inc., offered for lease the apartments described in paragraph 14 of the complaint and denies the remainder of the allegations contained in paragraph 13.
14. Respondent admits that Atlas Property Management Inc., offered for lease apartments located within the properties identified in the complaint and is without sufficient information to either admit or deny the remainder of the allegations contained therein.
15. Respondent is without sufficient information to either admit or deny the allegations contained in paragraph 15.
16. Respondent is without sufficient information to either admit or deny the allegations contained in paragraph 16.
17. Respondent is without sufficient information to either admit or deny the allegations contained in paragraph 17.
18. Respondent admits that Atlas Property Management Inc. submitted information to the EPA and is without sufficient information to either admit or deny the remainder of the allegations contained in paragraph 18.

#### **V. VIOLATIONS**

19. Respondent is without sufficient information to admit or deny the allegations contained in paragraph 19.

#### **FIRST COUNT**

#### **Failure to Provide Lead Hazard Information Pamphlet**

20. Respondent incorporates its answers in paragraphs 1 through 19.

21. Respondent is without sufficient information to admit or deny the allegations contained in paragraph 21.
22. Respondent denies the allegations contained in paragraph 22.
23. Respondent denies the allegations contained in paragraph 23.
24. Respondent denies the allegations contained in paragraph 24.
25. Respondent denies the allegations contained in paragraph 25.
26. Respondent denies the allegations contained in paragraph 26.

### **SECOND COUNT**

#### **Failure to Disclose Known Lead-Based Paint/Hazard and Provide Records**

27. Respondent incorporates its answers in paragraphs 1 through 26.
28. Respondent is without sufficient information to either admit or deny the allegations contained in paragraph 28.
29. Respondent denies the allegations contained in paragraph 29.
30. Respondent admits the allegations contained in paragraph 30.
31. Respondent is without sufficient knowledge to admit or deny the allegation.
32. Respondent is without sufficient knowledge to admit or deny the allegation.
33. Respondent denies the allegations contained in paragraph 33.
34. Respondent is without sufficient information to admit or deny the allegation.
35. Respondent denies the allegations contained in paragraph 35.

### **THIRD COUNT**

#### **Failure to Include Lead Warning Statement**

36. Respondent reasserts and incorporates its responses to paragraphs 1 through 35.
37. Respondent is without sufficient knowledge to admit or deny the allegation.
38. Respondent is without sufficient knowledge to admit or deny the allegation.
39. Respondent is without sufficient knowledge to admit or deny the allegation.
40. Respondent is without sufficient knowledge to admit or deny the allegation.

#### **FOURTH COUNT**

##### **Failure to Include Disclosure Statement Regarding Lead-Based Paint/Hazard**

41. Respondent reasserts and incorporates its responses to paragraphs 1 through 40.
42. Respondent is without sufficient knowledge to admit or deny the allegation.
43. Respondent is without sufficient knowledge to admit or deny the allegation.
44. Respondent is without sufficient knowledge to admit or deny the allegation.
45. Respondent is without sufficient knowledge to admit or deny the allegation.
46. Respondent is without sufficient information to admit or deny the allegation.
47. Respondent is without sufficient information to admit or deny the allegation.

#### **VI. PROPOSED PENALTY**

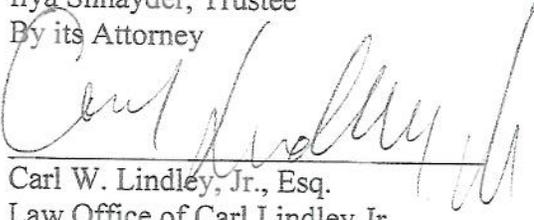
48. Respondent is without sufficient information to admit or deny the allegation.
49. Respondent is without sufficient information to admit or deny the allegation.
50. Respondent is without sufficient information to admit or deny the allegation.
51. Respondent admits the allegation.
52. Respondent is without sufficient information to admit or deny the allegation.
53. Respondent is without sufficient information to admit or deny the allegation.

And further answering Respondent states the proposed fines are excessive fines and thus violate the U.S. Constitution.

### Third Defense

And further answering Respondent alleges that other, Third Parties were responsible for the leasing of the units contained in the complaint.

224-224A Washington Street Nominee Realty Trust  
Ilya Shnayder, Trustee  
By its Attorney



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Carl W. Lindley, Jr., Esq.  
Law Office of Carl Lindley Jr.  
220 Linden Street  
Holyoke, MA. 01040  
Phone (413) 315-5943  
Fax (413) 532-8551  
E-mail: Carl@LindleyLaw.com

CERTIFICATE OF SERVICE

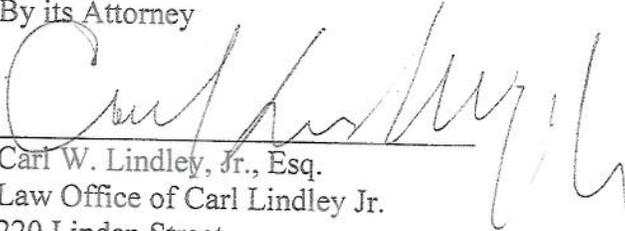
I hereby certify that the foregoing Answer and Request for Hearing have been served upon the following by U.S. Mail:

Wanda I. Santiago, Regional Hearing Clerk  
U.S. EPA, Region 1  
5 Post Office Square  
Suite 100 (Mail Code ORA 18-1)  
Boston, MA 02109

For Complainant:  
Hugh W. Martinez, Senior Enforcement Counsel  
Office of Environmental Stewardship  
U.S. EPA Region 1  
5 Post Office Square  
Suite 100 (Mail Code OES 04-3)  
Boston, MA 02109

For Co-Respondent Archgate Townhouses, LLC  
Mark Lichtenstein  
60 Walnut Street  
Wellesley, MA 02481

224-224A Washington Street Nominee Realty Trust  
Ilya Shnayder, Trustee  
By its Attorney

  
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Carl W. Lindley, Jr., Esq.  
Law Office of Carl Lindley Jr.  
220 Linden Street  
Holyoke, MA. 01040  
Phone (413) 315-5943  
Fax (413) 532-8551  
E-mail: Carl@LindleyLaw.com