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June 20, 2011

RECEIVED

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EPA ORC *WS*
Office of Regional Hearing Clerk

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

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

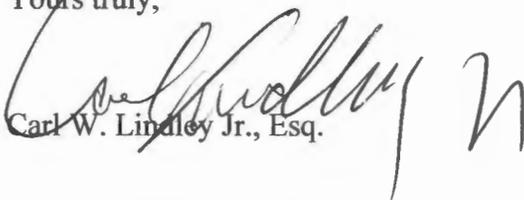
Mark Lichtenstein
60 Walnut Street
Wellesley, MA 02481

Re: In Re: Atlas Property Management, Inc., et al., TSCA-01-2011-0026

Dear Concerned Parties:

Enclosed please find Respondents, Atlas Property Management Inc. & 224-224A Washington Street NRT answer and request for hearing.

Yours truly,


Carl W. Lindley Jr., Esq.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 1



IN THE MATTER OF:)
)
ATLAS PROPERTY MANAGEMENT, INC.)
and)
224-224A WASHINGTON STREET NOMINEE)
REALTY TRUST, ILYA SHNAYDER TRUSTEE)
and)
ARCHGATE TOWNHOUSES, LLC)
Respondents)
)
Proceeding under Section 16(a) of the Toxic)
Substance Control Act, 42 U.S.C. §2615(a))
)
)
_____)

ANSWER
&
REQUEST FOR
HEARING

Docket No.
TSCA-01-2011-0026

ANSWER OF ATLAS PROPERTY MANAGEMENT, INC
AND
REQUEST FOR HEARING

I. STATEMENT OF AUTHORITY

1. Paragraph one 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 1 of the Amended Complaint.

II. NATURE OF THE ACTION

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 that the Trusts mailing address is as described 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 either 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 denies the allegations contained in paragraph 31.

32. Respondent admits the allegations contained in paragraph 32.

33. Respondent denies the allegations contained in paragraph 33.

34. Respondent denies the allegations contained in paragraph 34.

35. Respondent is without sufficient information to admit or deny 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 information to admit or deny the allegation contained in paragraph 37.

38. Respondent denies the allegation contained in paragraph 38.

39. Respondent denies the allegation contained in paragraph 39.

40. Respondent is without sufficient information to admit or deny the allegation contained in paragraph 40.

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 information to admit or deny the allegation contained in paragraph 42.

43. Respondent denies the allegation contained in paragraph 43.

44. Respondent denies the allegation contained in paragraph 44.

45. Respondent denies the allegation contained in paragraph 45.

46. Respondent denies the allegation contained in paragraph 46.

47. Respondent denies the allegation contained in paragraph 47.

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.

VII. OPPORTUNITY TO REQUEST A HEARING AND FILE ANSWER

54. Respondent requests a hearing and to the extent a responses is required any allegation contained herein is denied.

VIII. DEFAULT ORDER

55. There is no allegation contained herein and thus no response is required. To the extent a response is deemed required Respondent denies.

IX. SETTLEMENT CONFERENCE

56. There is no allegation contained herein and thus no response is required. To the extent a response is deemed required Respondent denies.

57. There is no allegation contained herein and thus no response is required. To the extent a response is deemed required Respondent denies.

REQUEST FOR HEARING

Respondent requests a hearing on this matter.

Affirmative Defenses

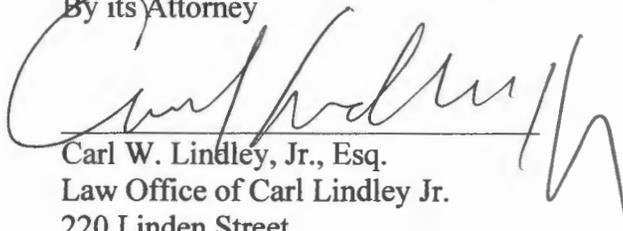
First Defense

And further answering Respondent states that the Complainant is guilty of Latches.

Second Defense

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

Atlas Property Management Inc.,
By its Attorney

A handwritten signature in cursive script, appearing to read 'Carl W. Lindley, Jr.', is written over a horizontal line. The signature is fluid and extends to the right of the line.

Carl W. Lindley, Jr., Esq.
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CERTIFICATE OF SERVICE

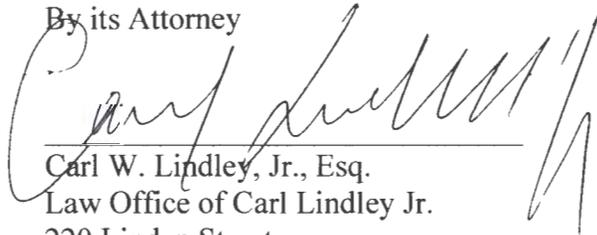
I hereby certify that the foregoing Answer and Request for Hearing have been served upon the following by U.S. Mail:

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

Atlas Property Management Inc.,
By its Attorney



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