UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

BEFORE THE ADMINISTRATOR

IN THE MATTER OF:)
C.G.N.B. ASSOCIATES,) Docket No. TSCA-3-2000-0020
DR. ROBERT T. GREENFIELD,	
DR. SYLVESTER C. BOOKER,)
and ROSS CLARK TRUST,)
Respondents)
AND	
IN THE MATTER OF:)
WILLOUGHBY REAL ESTATE CO., INC.,) Docket No. TSCA-3-2000-0022
)
Respondent)

ORDER CONSOLIDATING RELATED ACTIONS

By Motions dated July 13, 2001, Complainant moved to consolidate the above-captioned actions into one administrative action. The Motion indicates that the Respondents consent to the consolidation. For the reasons stated below, the Motion is **GRANTED**.

These two proceedings were both commenced on September 25, 2000. Both actions allege violations of the Toxic Substances Control Act, and more specifically the Residential Lead-Based Paint Hazard Reduction Act of 1992, 42 U.S.C. § 4851 *et seq*. The actions involve the same five rental units in the District of Columbia in regard to which Respondents are the owners (EPA Docket No. TSCA-03-2000-0020) or the leasing agent (EPA Docket No. TSCA-03-2000-0022). The Complaints both allege in five separate counts that the Respondents failed to provide to the Lessees of the units a statement disclosing the presence of any known lead-based paint or lack of such knowledge as required by law. The Respondents are represented in both actions by the same counsel and the parties represent that the actions involve the same witnesses and exhibits.

Rule 22.12(a) of the Consolidated Rules of Practice (40 C.F.R. §22.12(a)) governing these matters provides in pertinent part:

The Presiding Officer ... may consolidate any or all matters at issue in two or more proceedings subject to these Consolidated Rules of

Practice where: there exist common parties or common issues of fact or law; consolidation would expedite and simplify consideration of the issues; and consolidation would not adversely affect the rights of parties engaged in otherwise separate proceedings.

In these circumstances, it is concluded that consolidation is appropriate, as it will expedite and simplify consideration of the issues, and it does not appear that consolidation would result in prejudice to any of the parties.

Accordingly, the proceedings listed above are hereby consolidated pursuant to 40 C.F.R. § 22.12(a).

Susan L. Biro Chief Administrative Law Judge

Dated: July 23, 2001 Washington, D.C.