UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 1
5 POST OFFICE SQUARE, SUITE 100
BOSTON, MA 02109-3912

OCT 24 2012

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Docket No. TSCA-SP-2013-001a

George Bolling
61 Pachaug Trail
Monroe, CT 06606

RE: SUBPOENA under TSCA Sections 1018 of Title X (the Real Estate Notification and Disclosure Rule), 406(b) (the Pre-Renovation Rule), and 402(c) (the Renovation, Repair and Painting Rule)

Dear Mr. Bolling:

The Environmental Protection Agency ("EPA"), Region 1, is issuing this subpoena to You to determine compliance with laws and regulations requiring: (a) disclosure of Lead-Based Paint information upon the sale or lease of residential properties constructed before 1978; (b) distribution of Lead-Based Paint hazard information prior to the Renovation of Child-Occupied Facilities and residential properties constructed before 1978; and (c) compliance with certification, training, records retention and work practice requirements for such renovations. The laws in question are Section 1018 of Title X of the Residential Lead-Based Paint Hazard Reduction Act of 1992, 42 U.S.C. § 4852, Section 406(b) of the Toxic Substances Control Act ("TSCA"), 15 U.S.C. § 2686(b), and Section 402(c) of TSCA, 15 U.S.C. § 2682(c). The regulations implementing these laws are found at 40 C.F.R. Part 745, Subpart F ("Disclosure Rule"); 40 C.F.R. §§ 745.84 and 745.86 ("Pre-Renovation Rule"); and 40 C.F.R. Part 745, Subpart E ("Renovation, Repair and Painting Rule"). A violation of the Disclosure Rule is a prohibited act under Section 409 of TSCA, 15 U.S.C. § 2689, which can result in civil penalties under Section 16 of TSCA of up to $16,000 per violation. Likewise, violations of the Pre-Renovation or Renovation, Repair and Painting Rules are prohibited under Section 409 of TSCA, which can result in civil penalties of up to $37,500 per violation.

This subpoena is issued to You under the authority of Section 11(c) of TSCA, 15 U.S.C. § 2610(c). In carrying out its duties under TSCA, EPA may require by subpoena the attendance and testimony of witnesses, the production of reports, papers and documents, answers to questions, and other information the EPA deems necessary. **Your failure or refusal to fully and truthfully submit the information required by this subpoena may subject You to further action to enforce this subpoena in federal court. In addition, the failure or refusal to submit the information required in this subpoena may subject You to civil and/or criminal penalties pursuant to Section 16 of TSCA, 15 U.S.C. § 2615.** The issuance of this document does not preclude the issuance of further subpoenas relating to this matter to You or other parties.

For your convenience, we are also enclosing a package of information to assist in your compliance with these rules.

I. DEFINITIONS

The following terms shall be defined as specified below. **Please read these definitions carefully to properly comply with the terms of this subpoena.** Unless otherwise defined, the terms used in this subpoena have the meaning given in 15 U.S.C. § 2686, and the regulations promulgated at 40 C.F.R. Part 745, Subpart E; 42 U.S.C. § 4852d, and its implementing regulations at 40 C.F.R. Part 745, Subpart F; and 24 C.F.R. Part 35, Subpart A.

"Abatement" means any measure or set of measures designed to permanently eliminate Lead-Based Paint hazards, as specified in 40 C.F.R. § 745.223.

"Agent" means any party who enters into a contract with a seller or 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. This term does not apply to the purchaser but may apply to a purchaser's agent unless the Agent receives all compensation from the purchaser, as specified in 40 C.F.R. § 745.103.

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"Disclosure Form" means certification and acknowledgment regarding the disclosure of information pertaining to Lead-Based Paint and/or Lead-Based Paint hazards as required by 40 C.F.R. § 745.113.

"Document" means the original or an identical and readable copy thereof, and all non-identical copies (whether different from the original by reason of notation made on such copies or otherwise), of any writings or records of any type or description, however created, produced or reproduced.

"Due Diligence" means, in this context, the collection and analysis of data that a reasonable person would take before buying a property to ascertain whether the property has any environmental conditions that could affect the transaction.

"Emergency Renovation Operations" means Renovation activities, such as operations necessitated by non-routine failures of equipment, that were not planned but result from a

sudden, unexpected event that, if not immediately attended to, presents a safety or public health hazard, or threatens equipment and/or property with significant damage.

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"New England" means the states of Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island and Vermont.

"Occupant" means the lessee and any other person who resides in the Target Housing.

"Purchaser" means an 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 non-profit organizations.

"Renovation" means the modification of any existing structure, or portion thereof, that results in the disturbance of painted surfaces, unless that activity is performed as part of an Abatement as defined by 40 C.F.R. § 745.223. The term Renovation includes (but is not limited to): the removal, modification or repair of painted surfaces or painted components (e.g., modification of painted doors, surface restoration, window repair, surface preparation activity (such as sanding, scraping, or other such activities that may generate paint dust); the removal of building components (*e.g.,* walls, ceilings, plumbing, windows); weatherization projects (e.g., cutting holes in painted surfaces to install blown-in insulation or to gain access to attics, planning thresholds to install weather stripping), and interim controls that disturb painted surfaces. A Renovation performed for the purpose of converting a building, or part of a building, into Target

Housing or a Child-Occupied Facility is a Renovation. The term Renovation does not include Minor Repair and Maintenance activities.

"Risk Assessment" means an on-site investigation to determine and report the existence, nature, severity, and location of Lead-Based Paint hazards in residential dwellings, including: information gathering regarding the age and history of the housing and occupancy by children; visual inspection; limited wipe sampling or other environmental sampling techniques; other activity as may be appropriate; and provision of a report explaining the results of the investigation.

"Target Housing" means 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), and except any 0 bedroom dwelling. For the purpose of the subpoena, "housing constructed before 1978" means housing for which a construction permit was obtained (or if no permit was obtained, housing in which construction was started) before January 1, 1978.

"Work Order" means any oral agreement, written document, or electronic communication used by property management, building management, or owners to request any work to be completed by employees or contractors including maintenance services, emergency repairs, quick work projects, and standing work for compensation by employer.

"You" and "Your" means (a) George Bolling; (b) any entity or venture in which George Bolling maintains an interest; and (c) agents or representatives of George Bolling or associated entities or ventures.

II. INFORMATION TO BE SUBMITTED TO THE EPA

Please provide the information requested below **within 30 days of receipt of this subpoena**. Your response must be accompanied by the attached affidavit, notarized and signed and dated. Where information necessary for a complete response is neither in Your possession nor reasonably available to You, indicate this fact in Your response and (1) explain the reasonable efforts You made to obtain such information, and (2) if possible, identify any source that either possesses or is likely to possess such information. Please send all responsive information to:

Ronnie Levin
U.S. Environmental Protection Agency - New England
Office of Environmental Stewardship
5 Post Office Square, Suite 100 (OES 05-4)
Boston, MA 02109-3912

A. List of Residential Properties that You Own or Manage:

1. Provide a list of all residential properties, complexes, developments, etc. (henceforth "property") that You own/have owned or manage/have managed from **October, 2010 to the present**.

2. For each property identified in question A.1, identify whether it is Target Housing, and identify how many units are in each property.

3. For each Target Housing property identified in question A.2, provide contact information for both the property owner(s) and the property manager(s), including name, title, address, and phone number. Explain the relationship between You and any other business entity listed.

4. For each Target Housing property identified in question A.2 and located in New England, describe all public rental and/or rehabilitation assistance received. Indicate the program name, if known, including but not limited to:
   a. Project-based rental assistance from a federal agency (HUD or other);
   b. HUD multi-family mortgage insurance (FHA);
   c. HUD-owned multifamily property;
   d. Rehabilitation assistance from city, county, or state (for example, CDBG or HOME);
   e. Public housing;
   f. Tenant-based rental assistance (such as Housing Choice Voucher Program); and/or
   g. Any other public or private grant funds for Lead-Based Paint hazard control.

5. For each Target Housing property identified in question A.2 and located in New England, identify which units have children residing in them and provide the ages of the children, including date of birth.

B. Management Company:

If You listed any management company in response to question A.3, above, describe the nature of the management company's duties and provide a copy of the contract with the management company.

C. Information on Lease Transactions:

1. Provide the *total number* of Target Housing leases executed by You in New England from **October 1, 2010 to the present**.

2. Provide the following *information for all lease transactions* that occurred from **June 1, 2011 to August 31, 2011;** and **June 1, 2012 to the present**.

For each unit leased, provide the following:

a. A copy of the rental agreement, lease or lease extension;

b. A copy of the Disclosure Form required by 40 C.F.R. § 745.113 and any attachments thereto;

c. For each rental agreement, lease or lease extension, indicate whether there were children residing in the unit, and if so, their ages at the time of the agreement (or date of birth); and

d. Copies of Lead-Based Paint information, **regardless of the date** of such information, including:

i. Any Inspection and/or Risk Assessment for Lead-Based Paint performed at the property (including, for multi-family buildings, any report regarding Lead-Based Paint in common areas of the building);
ii. Any communication from state or local agencies pertaining to Lead-Based Paint or Lead-Based Paint hazards in the property, including Inspection Reports, Abatement Orders, Notices of Compliance, Releases of Orders, Vacancy Orders, etc.; and
iii. Due Diligence or financial records, in which the environmental conditions of the property were described.

e. If no written records exist regarding a rental agreement or lease transaction (e.g., if there is no written lease), provide a rent roll or list of tenant names/phone numbers, and for each tenant:

i. Identify the address and rental unit the tenant leased;
ii. Identify the date the tenant became obligated to lease the unit;
iii. Indicate whether children resided in the unit, and if so, their ages at the time of the lease transaction (or date of birth); and
iv. Provide copies of any documents which discuss the information referred to in questions C.2.b and C.2.d, above, pertaining to the tenant's unit.

D. Sale of Target Housing:

1. Provide a list of all Target Housing that You sold in New England from **October 1, 2010 to the present**.

2. For each transaction, provide a copy of the **offer to purchase contract** and the purchase and sales document, including the Disclosure Form and all available records and reports pertaining to Lead-Based Paint and/or Lead-Based Paint hazards.

E. Missing Disclosure Forms:

If, in response to questions C and D, You produced any sales or lease transactions without Disclosure Forms, explain:

1. Why the form is missing; and

2. Whether, how, and when You complied with each substantive requirement of 40 C.F.R. § 745.113(b) (for example, the requirements to provide a pamphlet, provide information on the presence of known Lead-Based Paint and/or Lead-Based Paint

hazards or a statement that there is no knowledge, and if there is knowledge, to provide copies of additional information, such as reports that were the basis for the determination that known Lead-Based Paint and/or Lead-Based Paint hazards exist).

F. Compliance with the Pre-Renovation Rule Requirements:

1. Provide a listing of all Your contracts and Work Orders for repairs or Renovations of Target Housing properties in New England from **January 1, 2011 to the present**, including common areas, but excluding the following:
   a. Minor Repair and Maintenance activities that disrupt 6 square feet or less of an interior painted surface or 20 square feet or less of an exterior painted surface;
   b. Emergency Renovation Operations;
   c. Any work that is an Abatement project within the meaning of 40 C.F.R. § 745.223;
   d. Repairs or Renovations in Target Housing or its components in which a written determination has been made by an inspector (certified pursuant to either Federal regulations at 40 C.F.R. § 745.226 or a State or Tribal certification program authorized pursuant to 40 C.F.R. § 745.324) that the components affected by the Renovation are free of paint or other surface coatings that contain lead equal to or in excess of 1.0 milligram per square centimeter or 0.5 percent by weight, where the renovator has obtained a copy of the determination;
   e. Repairs or Renovations in housing that is a zero-bedroom dwelling (studio apartments, dormitories, etc.); and
   f. Repairs or renovations in housing for the elderly and disabled AND children are not expected to reside there.

2. Please indicate if there were no repairs or Renovations from **January 1, 2011 to the present** subject to the Pre-Renovation Rule.

3. Please describe any repairs or Renovations that took place from **January 1, 2011 to the present** that were subject to the Pre-Renovation Rule, but for which no Work Orders are available.

4. Provide a listing of all Your contracts and Work Orders for Renovations of Child-Occupied Facilities in New England from **January 1, 2011 to the present**.

5. For each of the contracts and Work Orders referenced in response to questions F.1 and F.4, indicate who performed the repair or Renovation. Include contact information for the service person including name, whether in-house staff or contractor, contractor license number (if known), lead certification, place of employment, address and phone number.

6. For each of the contracts and Work Orders referenced in response to questions F.1 and F.4, provide copies of documentation demonstrating compliance with the Pre-Renovation Rule. If no documents are available, explain why and whether or not the substantive requirements have been met. Compliance requirements generally

include the following notification (40 C.F.R. § 745.84) and recordkeeping (40 C.F.R. § 745.86) activities:

a. No more than 60 days before beginning repair or Renovation activities in a dwelling unit or common areas of Target Housing, the renovator shall provide the owner with the new EPA pamphlet entitled "Renovate Right" and obtain either written acknowledgement of receipt or certification of mailing at least seven days prior to commencing Renovation activities; and
b. If the owner does not occupy the unit being renovated, no more than 60 days before beginning repair or Renovation activities, the renovator shall provide an adult occupant of the unit with the new EPA pamphlet entitled "Renovate Right" and ensure delivery through one of the following methods:
    1. obtain written acknowledgement of receipt;
    2. obtain certification of mailing at least seven days prior to commencing Renovation activities; or
    3. certify in writing that the pamphlet has been delivered to the dwelling unit and that the renovator has been unsuccessful in obtaining a written acknowledgement from an adult occupant.
c. For Child-Occupied Facilities, 40 C.F.R. § 745.84(c) contains detailed pamphlet distribution and notification requirements for the parents/guardians of the children, the building owner, and the adult representative of the Child-Occupied Facility. Also, the regulation requires informational signage during the Renovation of a Child-Occupied Facility.
d. The renovator shall retain records necessary to demonstrate compliance for a period of three years following completion of the Renovation.

G. Compliance with the Renovation, Repair and Painting Rule:

1. If any repairs or Renovations described in your response to question F.1 or F.3 were performed by You or Your employees, describe any training and provide copies of any certification You and the employees have received regarding lead-safe work practices.

H. Communication of Rule Requirements:

1. Describe whether and how You currently communicate the requirements of the Disclosure, Pre-Renovation and Renovation, Repair and Painting Rules to all of Your employees and associated businesses, agents, and representatives.

2. Provide copies of any standard operating procedures, guidance documents, training documents, and/or directives that You use at present to promote compliance with these Rules.

III. CLAIMS OF CONFIDENTIAL BUSINESS INFORMATION

Pursuant to the regulations set forth at 40 C.F.R. Part 2, Subpart B, You may choose to assert that part or all of the submitted information is "confidential business information" ("CBI"). Unless such confidentiality claims are asserted at the time the required information is submitted, EPA makes this information available to the public upon request without further notice to You.

Information that is CBI may be made available to the public only to the extent set forth in the above cited regulations. Any such claim for confidentiality must conform to the requirements set forth with 40 C.F.R. § 2.203(b).

While You may claim that information is CBI, such claims are unlikely to be upheld if they are challenged unless the information meets all four of the following criteria:

1. Your business has taken reasonable measures to protect the confidentiality of the information and intends to continue to take such measures.
2. The information is not, and has not been, reasonably obtainable without Your business' consent by other persons (other than government bodies) by use of legitimate means (other than discovery based on showing of special need in a judicial or quasi-judicial proceeding).
3. No statute specifically requires disclosure of the information, and the information is not available elsewhere.
4. Disclosure of the information is likely to cause substantial harm to Your business' competitive position.

The burden of proof is on You to demonstrate that the information satisfies all four criteria. If any portion of Your response contains CBI which You claim as confidential, it is critical that You submit two copies of any such "business information" in accordance with the following procedures:

1. The first copy of any page containing such "confidential business information" must be complete and contain all information. Additionally, each such page must be marked conspicuously to indicate that it is claimed as confidential. Furthermore, the compilation of information subject to Your CBI claim should be mailed to EPA-New England in accordance with the following procedures:

    a. All such documents must be placed in an envelope addressed to:
    Rose Toscano
    U.S. Environmental Protection Agency - New England
    Office of Environmental Stewardship
    5 Post Office Square, Suite 100 (OES 05-4)
    Boston, MA 02109-3912

    This envelope should be marked "Confidential - To be Opened By Addressee Only"; and

    b. The envelope containing the information claimed as business confidential should then be placed in a second, "outer" envelope, also addressed to Rose Toscano at the address indicated above. The outer envelope should not be marked with any indication that it contains confidential information.

2. The second copy of any document that is subject to a CBI claim must only contain information which is not claimed as confidential. This second copy of any document from which alleged CBI has been made unreadable, or otherwise removed, must be mailed directly to Ronnie Levin, at the address indicated in Section II above.

If you have any questions concerning this subpoena, please contact Ronnie Levin at: (617) 918-1716.

Issued in Boston, Massachusetts the 24th day of October, 2012.

Susan Studlien

Susan Studlien, Director
Office of Environmental Stewardship
U. S. EPA New England

Enclosures

1. Affidavit (to be completed and returned with the Subpoena response)
2. Compliance Assistance packet with information about the Disclosure, Pre-Renovation, and Renovation, Repair, and Painting Rules; EPA pamphlets; and the Small Business Form

BEFORE THE UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY REGION 1 / NEW ENGLAND
TSCA Subpoena No.: TSCA-SP-2013-001a

IN THE MATTER OF:

George Bolling
61 Pachaug Trail
Monroe, CT 06606

AFFIDAVIT responding to the subpoena issued pursuant to 15 U.S.C. § 2610(c)

I, the undersigned affiant, first being duly sworn, upon an oath, depose and say:

1. Attached are _____ pages of responsive documents and/or records. The attached pages are true and correct copies of documents and/or records that I presently have in my custody and/or control as an agent.

2. I am one of the custodians of the documents and records at issue and am producing true and correct copies of such documents and records in response to a subpoena issued by the U.S. Environmental Protection Agency pursuant to 15 U.S.C. § 2610(c).

3. The documents and records at issue were and/or are received and/or kept in the usual course of the regularly conducted business activities of the persons and entities subject to the above-referenced subpoena. I, and others, rely on such documents and records for the purpose of conducting everyday affairs. Such documents and records are usually prepared, or received, at or near the time of the events to which they related, and are based upon the knowledge of the person transmitting information for the purpose of preparing such documents and records.

4. I have made a diligent search and inquiry for all documents and records that are reasonably described in the subpoena to which this affidavit responds. To my knowledge, there are no documents or records responsive to the subpoena that have not been copied and submitted to the U.S. Environmental Protection Agency.

5. All responses to the inquiries contained in the aforementioned subpoena are true, complete, and accurate.

6. I acknowledge that this affidavit is submitted to the United States in connection with a matter within the jurisdiction of the U.S. Environmental Protection Agency and that any material false statement of fact herein may be a federal crime under Title 18, Section 1001 of the United States Code.

Affiant:

Date: _____ **Signature**: _____

Type Name: _____ **Office or Title**: _____

Notary:

Date: _____ **Signature**: _____

Type Name: _____ **Office or Title**: _____

SWORN AND SUBSCRIBED TO before me; the undersigned Notary Public on this ___day of _____, 2012.

_____

Notary Public in and for the State or Territory

of _____residing at _____

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 1
5 POST OFFICE SQUARE, SUITE 100
BOSTON, MA 02109-3912

OCT 2 4 2012

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Docket No. TSCA-SP-2013-001b

George Bolling
PO Box 5977
Bridgeport, CT 06610

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"Occupant" means the lessee and any other person who resides in the Target Housing.

"Purchaser" means an 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 non-profit organizations.

"Renovation" means the modification of any existing structure, or portion thereof, that results in the disturbance of painted surfaces, unless that activity is performed as part of an Abatement as defined by 40 C.F.R. § 745.223. The term Renovation includes (but is not limited to): the removal, modification or repair of painted surfaces or painted components (e.g., modification of painted doors, surface restoration, window repair, surface preparation activity (such as sanding, scraping, or other such activities that may generate paint dust); the removal of building components (*e.g.,* walls, ceilings, plumbing, windows); weatherization projects (e.g., cutting holes in painted surfaces to install blown-in insulation or to gain access to attics, planning thresholds to install weather stripping), and interim controls that disturb painted surfaces. A Renovation performed for the purpose of converting a building, or part of a building, into Target

Housing or a Child-Occupied Facility is a Renovation. The term Renovation does not include Minor Repair and Maintenance activities.

"Risk Assessment" means an on-site investigation to determine and report the existence, nature, severity, and location of Lead-Based Paint hazards in residential dwellings, including: information gathering regarding the age and history of the housing and occupancy by children; visual inspection; limited wipe sampling or other environmental sampling techniques; other activity as may be appropriate; and provision of a report explaining the results of the investigation.

"Target Housing" means 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), and except any 0 bedroom dwelling. For the purpose of the subpoena, "housing constructed before 1978" means housing for which a construction permit was obtained (or if no permit was obtained, housing in which construction was started) before January 1, 1978.

"Work Order" means any oral agreement, written document, or electronic communication used by property management, building management, or owners to request any work to be completed by employees or contractors including maintenance services, emergency repairs, quick work projects, and standing work for compensation by employer.

"You" and "Your" means (a) George Bolling; (b) any entity or venture in which George Bolling maintains an interest; and (c) agents or representatives of George Bolling or associated entities or ventures.

II. INFORMATION TO BE SUBMITTED TO THE EPA

Please provide the information requested below **within 30 days of receipt of this subpoena**. Your response must be accompanied by the attached affidavit, notarized and signed and dated. Where information necessary for a complete response is neither in Your possession nor reasonably available to You, indicate this fact in Your response and (1) explain the reasonable efforts You made to obtain such information, and (2) if possible, identify any source that either possesses or is likely to possess such information. Please send all responsive information to:

Ronnie Levin
U.S. Environmental Protection Agency - New England
Office of Environmental Stewardship
5 Post Office Square, Suite 100 (OES 05-4)
Boston, MA 02109-3912

A. List of Residential Properties that You Own or Manage:

1. Provide a list of all residential properties, complexes, developments, etc. (henceforth "property") that You own/have owned or manage/have managed from **October 1, 2010 to the present**.

2. For each property identified in question A.1, identify whether it is Target Housing, and identify how many units are in each property.

3. For each Target Housing property identified in question A.2, provide contact information for both the property owner(s) and the property manager(s), including name, title, address, and phone number. Explain the relationship between You and any other business entity listed.

4. For each Target Housing property identified in question A.2 and located in New England, describe all public rental and/or rehabilitation assistance received. Indicate the program name, if known, including but not limited to:
   a. Project-based rental assistance from a federal agency (HUD or other);
   b. HUD multi-family mortgage insurance (FHA);
   c. HUD-owned multifamily property;
   d. Rehabilitation assistance from city, county, or state (for example, CDBG or HOME);
   e. Public housing;
   f. Tenant-based rental assistance (such as Housing Choice Voucher Program); and/or
   g. Any other public or private grant funds for Lead-Based Paint hazard control.

5. For each Target Housing property identified in question A.2 and located in New England, identify which units have children residing in them and provide the ages of the children, including date of birth.

B. Management Company:

If You listed any management company in response to question A.3, above, describe the nature of the management company's duties and provide a copy of the contract with the management company.

C. Information on Lease Transactions:

1. Provide the *total number* of Target Housing leases executed by You in New England from **October 1, 2010 to the present**.

2. Provide the following *information for all lease transactions* that occurred from **June 1, 2011 to August 31, 2011;** and **June 1, 2012 to the present**.

For each unit leased, provide the following:

a. A copy of the rental agreement, lease or lease extension;

b. A copy of the Disclosure Form required by 40 C.F.R. § 745.113 and any attachments thereto;

c. For each rental agreement, lease or lease extension, indicate whether there were children residing in the unit, and if so, their ages at the time of the agreement (or date of birth); and

d. Copies of Lead-Based Paint information, **regardless of the date** of such information, including:

i. Any Inspection and/or Risk Assessment for Lead-Based Paint performed at the property (including, for multi-family buildings, any report regarding Lead-Based Paint in common areas of the building);
ii. Any communication from state or local agencies pertaining to Lead-Based Paint or Lead-Based Paint hazards in the property, including Inspection Reports, Abatement Orders, Notices of Compliance, Releases of Orders, Vacancy Orders, etc.; and
iii. Due Diligence or financial records, in which the environmental conditions of the property were described.

e. If no written records exist regarding a rental agreement or lease transaction (e.g., if there is no written lease), provide a rent roll or list of tenant names/phone numbers, and for each tenant:

i. Identify the address and rental unit the tenant leased;
ii. Identify the date the tenant became obligated to lease the unit;
iii. Indicate whether children resided in the unit, and if so, their ages at the time of the lease transaction (or date of birth); and
iv. Provide copies of any documents which discuss the information referred to in questions C.2.b and C.2.d, above, pertaining to the tenant's unit.

D. Sale of Target Housing:

1. Provide a list of all Target Housing that You sold in New England from **October 1, 2010 to the present**.

2. For each transaction, provide a copy of the **offer to purchase contract** and the purchase and sales document, including the Disclosure Form and all available records and reports pertaining to Lead-Based Paint and/or Lead-Based Paint hazards.

E. Missing Disclosure Forms:

If, in response to questions C and D, You produced any sales or lease transactions without Disclosure Forms, explain:

1. Why the form is missing; and

2. Whether, how, and when You complied with each substantive requirement of 40 C.F.R. § 745.113(b) (for example, the requirements to provide a pamphlet, provide information on the presence of known Lead-Based Paint and/or Lead-Based Paint

hazards or a statement that there is no knowledge, and if there is knowledge, to provide copies of additional information, such as reports that were the basis for the determination that known Lead-Based Paint and/or Lead-Based Paint hazards exist).

F. Compliance with the Pre-Renovation Rule Requirements:

1. Provide a listing of all Your contracts and Work Orders for repairs or Renovations of Target Housing properties in New England from **January 1, 2011 to the present**, including common areas, but excluding the following:
   a. Minor Repair and Maintenance activities that disrupt 6 square feet or less of an interior painted surface or 20 square feet or less of an exterior painted surface;
   b. Emergency Renovation Operations;
   c. Any work that is an Abatement project within the meaning of 40 C.F.R. § 745.223;
   d. Repairs or Renovations in Target Housing or its components in which a written determination has been made by an inspector (certified pursuant to either Federal regulations at 40 C.F.R. § 745.226 or a State or Tribal certification program authorized pursuant to 40 C.F.R. § 745.324) that the components affected by the Renovation are free of paint or other surface coatings that contain lead equal to or in excess of 1.0 milligram per square centimeter or 0.5 percent by weight, where the renovator has obtained a copy of the determination;
   e. Repairs or Renovations in housing that is a zero-bedroom dwelling (studio apartments, dormitories, etc.); and
   f. Repairs or renovations in housing for the elderly and disabled AND children are not expected to reside there.

2. Please indicate if there were no repairs or Renovations from **January 1, 2011 to the present** subject to the Pre-Renovation Rule.

3. Please describe any repairs or Renovations that took place from **January 1, 2011 to the present** that were subject to the Pre-Renovation Rule, but for which no Work Orders are available.

4. Provide a listing of all Your contracts and Work Orders for Renovations of Child-Occupied Facilities in New England from **January 1, 2011 to the present**.

5. For each of the contracts and Work Orders referenced in response to questions F.1 and F.4, indicate who performed the repair or Renovation. Include contact information for the service person including name, whether in-house staff or contractor, contractor license number (if known), lead certification, place of employment, address and phone number.

6. For each of the contracts and Work Orders referenced in response to questions F.1 and F.4, provide copies of documentation demonstrating compliance with the Pre-Renovation Rule. If no documents are available, explain why and whether or not the substantive requirements have been met. Compliance requirements generally

include the following notification (40 C.F.R. § 745.84) and recordkeeping (40 C.F.R. § 745.86) activities:

a. No more than 60 days before beginning repair or Renovation activities in a dwelling unit or common areas of Target Housing, the renovator shall provide the owner with the new EPA pamphlet entitled "Renovate Right" and obtain either written acknowledgement of receipt or certification of mailing at least seven days prior to commencing Renovation activities; and
b. If the owner does not occupy the unit being renovated, no more than 60 days before beginning repair or Renovation activities, the renovator shall provide an adult occupant of the unit with the new EPA pamphlet entitled "Renovate Right" and ensure delivery through one of the following methods:
    1. obtain written acknowledgement of receipt;
    2. obtain certification of mailing at least seven days prior to commencing Renovation activities; or
    3. certify in writing that the pamphlet has been delivered to the dwelling unit and that the renovator has been unsuccessful in obtaining a written acknowledgement from an adult occupant.
c. For Child-Occupied Facilities, 40 C.F.R. § 745.84(c) contains detailed pamphlet distribution and notification requirements for the parents/guardians of the children, the building owner, and the adult representative of the Child-Occupied Facility. Also, the regulation requires informational signage during the Renovation of a Child-Occupied Facility.
d. The renovator shall retain records necessary to demonstrate compliance for a period of three years following completion of the Renovation.

G. Compliance with the Renovation, Repair and Painting Rule:

1. If any repairs or Renovations described in your response to question F.1 or F.3 were performed by You or Your employees, describe any training and provide copies of any certification You and the employees have received regarding lead-safe work practices.

H. Communication of Rule Requirements:

1. Describe whether and how You currently communicate the requirements of the Disclosure, Pre-Renovation and Renovation, Repair and Painting Rules to all of Your employees and associated businesses, agents, and representatives.

2. Provide copies of any standard operating procedures, guidance documents, training documents, and/or directives that You use at present to promote compliance with these Rules.

III. CLAIMS OF CONFIDENTIAL BUSINESS INFORMATION

Pursuant to the regulations set forth at 40 C.F.R. Part 2, Subpart B, You may choose to assert that part or all of the submitted information is "confidential business information" ("CBI"). Unless such confidentiality claims are asserted at the time the required information is submitted, EPA makes this information available to the public upon request without further notice to You.

Information that is CBI may be made available to the public only to the extent set forth in the above cited regulations. Any such claim for confidentiality must conform to the requirements set forth with 40 C.F.R. § 2.203(b).

While You may claim that information is CBI, such claims are unlikely to be upheld if they are challenged unless the information meets all four of the following criteria:

1. Your business has taken reasonable measures to protect the confidentiality of the information and intends to continue to take such measures.
2. The information is not, and has not been, reasonably obtainable without Your business' consent by other persons (other than government bodies) by use of legitimate means (other than discovery based on showing of special need in a judicial or quasi-judicial proceeding).
3. No statute specifically requires disclosure of the information, and the information is not available elsewhere.
4. Disclosure of the information is likely to cause substantial harm to Your business' competitive position.

The burden of proof is on You to demonstrate that the information satisfies all four criteria. If any portion of Your response contains CBI which You claim as confidential, it is critical that You submit two copies of any such "business information" in accordance with the following procedures:

1. The first copy of any page containing such "confidential business information" must be complete and contain all information. Additionally, each such page must be marked conspicuously to indicate that it is claimed as confidential. Furthermore, the compilation of information subject to Your CBI claim should be mailed to EPA-New England in accordance with the following procedures:

    a. All such documents must be placed in an envelope addressed to:
    Rose Toscano
    U.S. Environmental Protection Agency - New England
    Office of Environmental Stewardship
    5 Post Office Square, Suite 100 (OES 05-4)
    Boston, MA 02109-3912

    This envelope should be marked "Confidential - To be Opened By Addressee Only"; and

    b. The envelope containing the information claimed as business confidential should then be placed in a second, "outer" envelope, also addressed to Rose Toscano at the address indicated above. The outer envelope should not be marked with any indication that it contains confidential information.

2. The second copy of any document that is subject to a CBI claim must only contain information which is not claimed as confidential. This second copy of any document from which alleged CBI has been made unreadable, or otherwise removed, must be mailed directly to Ronnie Levin, at the address indicated in Section II above.

If you have any questions concerning this subpoena, please contact Ronnie Levin at: (617) 918-1716.

Issued in Boston, Massachusetts the 24th day of October, 2012.

Susan Studlien

Susan Studlien, Director
Office of Environmental Stewardship
U. S. EPA New England

Enclosures

1. Affidavit (to be completed and returned with the Subpoena response)
2. Compliance Assistance packet with information about the Disclosure, Pre-Renovation, and Renovation, Repair, and Painting Rules; EPA pamphlets; and the Small Business Form

BEFORE THE UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY REGION 1 / NEW ENGLAND
TSCA Subpoena No.: TSCA-SP-2013-001b

IN THE MATTER OF:

George Bolling
PO Box 5977
Bridgeport, CT 06610

AFFIDAVIT responding to the subpoena issued pursuant to 15 U.S.C. § 2610(c)

I, the undersigned affiant, first being duly sworn, upon an oath, depose and say:

1. Attached are _____ pages of responsive documents and/or records. The attached pages are true and correct copies of documents and/or records that I presently have in my custody and/or control as an agent.

2. I am one of the custodians of the documents and records at issue and am producing true and correct copies of such documents and records in response to a subpoena issued by the U.S. Environmental Protection Agency pursuant to 15 U.S.C. § 2610(c).

3. The documents and records at issue were and/or are received and/or kept in the usual course of the regularly conducted business activities of the persons and entities subject to the above-referenced subpoena. I, and others, rely on such documents and records for the purpose of conducting everyday affairs. Such documents and records are usually prepared, or received, at or near the time of the events to which they related, and are based upon the knowledge of the person transmitting information for the purpose of preparing such documents and records.

4. I have made a diligent search and inquiry for all documents and records that are reasonably described in the subpoena to which this affidavit responds. To my knowledge, there are no documents or records responsive to the subpoena that have not been copied and submitted to the U.S. Environmental Protection Agency.

5. All responses to the inquiries contained in the aforementioned subpoena are true, complete, and accurate.

6. I acknowledge that this affidavit is submitted to the United States in connection with a matter within the jurisdiction of the U.S. Environmental Protection Agency and that any material false statement of fact herein may be a federal crime under Title 18, Section 1001 of the United States Code.

Affiant:

Date: _____ **Signature:** _____

Type Name: _____ **Office or Title:** _____

Notary:

Date: _____ **Signature:** _____

Type Name: _____ **Office or Title:** _____

SWORN AND SUBSCRIBED TO before me; the undersigned Notary Public on this ___day of _____, 2012.

_____

Notary Public in and for the State or Territory

of _____residing at _____

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Region One New England
5 Post Office Square, Suite 100
Boston, Massachusetts 02109-3912

ATTORNEY/CLIENT PRIVILEGE

MEMORANDUM

DATE: 26 October 2012

FROM: James E. Israel, Investigator
Technical & Enforcement Support Section
Office of Site Remediation & Restoration

TO : Ronnie Levin
Lead Program
Toxics and Pesticides Unit

SUBJ : Hand Delivery of Subpoena

To: Mr. George Bolling
61 Pachaug Trail
Monroe, Connecticut 06468

RE: SUBPOENA under TSCA Section 1018 of Title X (the Real Estate Notification and Disclosure Rule), 406(b) (the Pre-Renovation Rule), and 402(c) (the Renovation, Repair and Painting Rule

On Monday, October 22, 2012, this Investigator was assigned the task of locating the above named individual and then hand delivering a subpoena to him. It was known that Mr. Bolling has different addresses to his credit. The main address was 61 Pachaug Trail in Monroe, Connecticut.

On Thursday, October 25, 2012 Mr. Bolling was located at address 1300 Reservoir Avenue, in Bridgeport, CT. This Investigator rang the door bell and knocked on the front door, after some time the individual on the inside of the address peered out of the window. I identified myself and advised that I was there to see Mr. George Bolling. The individual on the inside of the home appeared at the door where I presented him with a business card, identified myself again and asked if he was Mr. George Bolling, to which he replied that he was Mr. Bolling.

I presented Mr. Bolling with the subpoena, in hand, and then proceeded to explain the process to him and what was expected of him in return. Mr. Bolling stated that he would follow the process and get the paperwork on the desk of Ronnie Levin the week of October 28, 2012.

AO 88 (11/91) Subpoena in a Civil Case

PROOF OF SERVICE

	DATE	PLACE
SERVED	10/25/12	BRIDGEPORT, CT.

SERVED ON (PRINT NAME)	MANNER OF SERVICE
GEORGE BOLLING	FIRST CLASS MAIL IN HAND
SERVED BY (PRINT NAME)	**TITLE**
JAMES E. ISRAEL	INVESTIGATOR

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the proof of Service is true and correct.

Executed on 10/25/2012
DATE

SIGNATURE OF SERVER

5 Post Office Square
ADDRESS OF SERVER
U.S. EPA
Boston, Ma. 02109

Rule 45, Federal Rules of Civil Procedure, Parts C&D:

(c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction, which may include, but is not limited to, lost earnings and a reasonable attorney's fee.

(2)(A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3)(A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

(i) fails to allow reasonable time for compliance;
(ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in person, except that, subject to the provisions of clause (c)(3)(b)(iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or
(iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or
(iv) subjects a person to undue burden.

(B) If a subpoena

(i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or
(ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or
(iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena, or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production upon specified conditions.

(d) DUTIES IN RESPONDING TO SUBPOENA

(1)(A) A person responding to a subpoena to product documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.