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U.S. EPA REGION 1
HEARING CLERK

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 1

_____)
In the Matter of:)
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)
Charles Bridge, LLC)
P.O. Box 628)
Old Lyme, CT 06371)
)
)
Respondent.)
)
Proceeding under Section 16(a) of the)
Toxic Substances Control Act,)
15 U.S.C. § 2615(a))
_____)

Docket No. TSCA-01-2022-0027

WITHDRAWAL OF COMPLAINT

The U.S. Environmental Protection Agency Region 1 (“Complainant”), pursuant to 40 C.F.R. § 22.14(d), files this Withdrawal of Complaint in the above-referenced matter.

As grounds, Complainant states the following:

On February 22, 2022, Complainant filed a complaint against Respondent, Charles Bridge, LLC (“Respondent”) for alleged violations of Section 409 of the Toxic Substances Control Act (“TSCA”), 15 U.S.C. § 2689, the Residential Lead-Based Paint Hazard Reduction Act, 42 U.S.C. § 4851 *et seq.*, and the regulations promulgated thereunder set forth at 40 C.F.R. Part 745, Subpart F. As a result of Respondent’s failure to file an answer to the complaint, on June 13, 2022, Region 1 filed a Motion for Default Order on liability and requested an assessment of a \$56,109 penalty.

On August 23, 2023, the Regional Judicial Officer (“RJO”) for Region 1 issued a Proposed Initial Decision and Default Order (“Initial Decision”) that found Respondent in default for failing to file an answer to the Region 1 complaint, found Respondent liable on all counts alleged in the complaint and assessing the requested \$56,109 penalty.

Exercising Sue Sponte Review of the Initial Decision and the administrative record, on October 3, 2023, the Environmental Appeals Board (“EAB”) issued an Order remanding the matter to the RJO to undertake further proceedings concerning (1) whether the Region properly served the Complaint to Respondent at an appropriate address; (2) whether service of the Motion for Default Order complied with the Consolidated Rules of Practice (“CROP”), 40 C.F.R. Part 22; and (3) whether service upon the Respondent complied with the Region’s Standing Order regarding electronic service, Region 1, U.S. EPA, Authorization of EPA Region 1 Part 22 Electronic Filing System for Electronic Filing and Service of Documents (June 19, 2020) (“Standing Order”).

In accordance with the EAB’s Order, on January 2, 2024, the RJO issued an Order To Show Cause to Complainant ordering Complainant to demonstrate that the Motion for Default Order was properly served on Respondent, and/or re-serve the Motion for Default Order and the Supporting Memorandum in accordance with the Standing Order and/or Part 22 requirements.

On January 9, 2024, Brian Lowry, principal and owner of Respondent, Charles Bridge, LLC, contacted Complainant seeking to resolve the TSCA violations alleged in the complaint. Mr. Lowry resides in Europe but was in the United States for a short period of time. Mr. Lowry represented to Complainant he wanted to settle this matter. On January 10, 2024, Respondent

spoke with Complainant's financial expert to discuss the documentation needed in order for EPA to conduct an ability-to-pay analysis and how to submit the documents and continue settlement negotiations when Mr. Lowery leaves the United States to return to his domicile in Europe. Subsequently, on January 29 and 31, 2024, Respondent submitted to EPA draft tax form 1040 Schedule Es for Charles Bridge, LLC and indicated Respondent would continue to assemble the requested ability-to pay financial information.

On February 2, 2024, Mr. Lowery, Complainant and EPA's Region 1 RJO participated in a conference call to discuss the resolution of this matter.

However, on January 31, 2024, unknown to the Complainant, Respondent sold all of its properties located in Bangor, Maine, including the property located at 308 Union Street, Bangor, Maine which is the subject of the alleged violations set forth in the Complaint.

On February 12 and 20, 2024, Complainant called and emailed Respondent requesting an update on the submission of ability to pay financial information and the sale of the property. Respondent has not responded to any of Complainant's follow-up communications to date. Complainant has no reason to believe that Respondent has remained in the United States.

Pursuant to 40 C.F.R. § 22.14, the complainant may withdraw the complaint, or any part thereof, without prejudice one time before the answer has been filed. Respondent has not filed an answer in this matter. Respondent's sale of the property, history of failing to respond to pleadings, related correspondence and EPA requests, such as Complainant's recent requests for ability-to-pay financial information and for further settlement negotiations, and the likelihood that Respondent has relocated to Europe, suggest that additional efforts to reach the Respondent

will be unproductive and further prosecution of this action futile. For the above-mentioned reasons, Complainant is hereby withdrawing the Complaint in the above-referenced matter, without prejudice.

Respectfully submitted,

Dated: _____

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