

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 1**

6/10/19

In the Matter of:

Stephen Pearson d/b/a
Pearson Custom Homes
30 Wayside Avenue
Byfield, MA 01922

Respondent.

Proceeding under Section 16(a) of the
Toxic Substances Control Act,
15 U.S.C. § 2615(a)

Docket No.
TSCA-01-2018-0015

Received by
EPA Region 1
Hearing Clerk

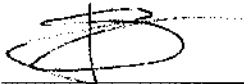
**MOTION TO WITHDRAW EPA'S MARCH 12, 2019 MOTION FOR DEFAULT
ORDER, AND TO REQUEST A FINAL ORDER DUE TO FULL PENALTY PAYMENT**

On March 12, 2019, the Complainant, the United States Environmental Protection Agency ("EPA"), filed a motion for the issuance of an order under 40 C.F.R. § 22.17, finding that Respondent, Stephen Pearson d/b/a Pearson Custom Homes, is in default in this matter, finding that Respondent violated Section 409 of the Toxic Substances Control Act, 15 U.S.C. § 2689 ("TSCA"), and the Residential Lead-Based Paint Hazard Reduction Act of 1992, 42 U.S.C. § 4851 *et seq.*, by failing to comply with Renovation, Repair and Painting Rule requirements of 40 C.F.R. Part 745, Subpart E (40 C.F.R. §§ 745.80 - 745.92), and assessing a penalty.

EPA hereby moves for the withdrawal of its March 12, 2019 motion, and instead, moves for the issuance of a final order to resolve this matter under 40 C.F.R. § 22.18(a)(3), given that EPA received a check for \$4,667, the full amount of the proposed penalty in the Complaint, from Respondent on April 9, 2019. Pursuant to 40 C.F.R. § 22.18(a), a respondent may opt for a quick resolution of an enforcement proceeding at any time by paying the penalty proposed in the complaint. *See* 40 C.F.R. §§ 22.18(a)(1) and (2).

In support of this motion, EPA submits the attached Exhibit 1 (a copy of the submitted check), and a proposed Final Order. Upon your issuance of a final order, EPA will send a copy of the order with the check to EPA's finance center for deposit.

Respectfully submitted,




John Hultgren
Senior Enforcement Counsel

Date: MAY 9, 2019


EXHIBIT 1

60-7269/2313 2362

 **PEARSON CUSTOM HOMES**
30 WAYSIDE AVE
BYFIELD, MA 01922

Date 3/22/19

Pay to the order of US Environmental Protection Agency \$ 4,067.00
Four thousand Six hundred Sixty-seven dollars

 **Santander**
Santander Bank, N.A.

for EPA Docket # TSCA-01-2018-0015 Stephen Pearson

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