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U.S. EPA REGION 1
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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 1

In the Matter of:

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

MOTION TO WITHDRAW COMPLAINT

The U.S. Environmental Protection Agency Region 1 (“Complainant”), pursuant to 40 C.F.R. § 22.14(d) and 22.16(a), files this Motion to Withdraw the Complaint in the above-referenced matter.

As grounds for this Motion, the Complainant states the following:

On February 22, 2022, Complainant filed a Complaint against Respondent, Charles Bridge, LLC (“Respondent”), for alleged violations of Title IV of the Toxic Substances Control Act (“TSCA”), 15 U.S.C. § 2681, *et seq.*, 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 the

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 assessed 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 for Electronic Filing and Service of Documents”).

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 Region 1’s Standing Order for Electronic Filing and Service of Documents 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. Lowry 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. Lowry, 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 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.

Based on Respondent's sale of the property, history of failing to respond to pleadings, related correspondence and EPA requests, such as Complainant's requests for ability-to-pay financial information and for further settlement negotiations, and the likelihood that Respondent has relocated to Europe, Complainant believes that additional efforts to reach the Respondent

will be unproductive and further prosecution of this action futile. For the above-mentioned reasons, Complainant respectfully requests that the Presiding Officer grant this Motion to Withdraw the Complaint.

Respectfully submitted,

Dated: _____

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