

6/10/19

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 1**

In the Matter of:)
)
)
Stephen Pearson d/b/a)
Pearson Custom Homes)
30 Wayside Avenue)
Byfield, MA 01922)
)
Respondent.)
_____)

**EPA Docket No.
TSCA-01-2018-0015**

Received by
EPA Region 1
Hearing Clerk

FINAL ORDER

On September 28, 2018, the U.S. Environmental Protection Agency, Region 1 (“EPA”) filed a Complaint against Stephen Pearson doing business as Pearson Custom Homes (“Respondent”). The Complaint charges Respondent with one violation of Section 409 of the Toxic Substances Control Act (TSCA), 15 U.S.C. § 2689, the Residential Lead-Based Paint Hazard Reduction Act of 1992 (“the Act”), 42 U.S.C. § 4851 *et seq.*, and the federal regulations promulgated thereunder, set forth at 40 C.F.R. Part 745, Subpart E (the “Renovation, Repair and Painting Rule”). The Complaint proposes a total penalty of \$4,667.

EPA’s Consolidated Rules of Practice, codified at 40 C.F.R. Part 22, govern this administrative enforcement proceeding. 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). The rules further provide that upon payment in full of the penalty, the Regional Judicial Officer must issue a final order. 40 C.F.R. § 22.18(a)(3).

On May 9, 2019, counsel for EPA filed a Motion to Withdraw EPA’s March 12, 2019 Motion for Default Order, and to Request a Final Order Due to Full Penalty Payment. In the May 9,

2019 Motion, EPA counsel notified the undersigned that on April 9, 2019, EPA received a check from Respondent for the amount of the penalty (\$4,667) to resolve the above-captioned matter. Payment by Respondent constituted a waiver of its rights to contest the allegations in the Complaint and to appeal this Final Order. *See* 40 C.F.R. § 22.18(a)(3). In accordance with 40 C.F.R. § 22.18(a)(3), the above-captioned matter is hereby **RESOLVED**.

SO ORDERED THIS _____ DAY OF _____ 2019.

LeAnn Jensen
Regional Judicial Officer