

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 1**

Received by
EPA Region 1
Hearing Clerk

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

STATUS REPORT

The U.S. Environmental Protection Agency (“Complainant”), by its counsel, files this Status Report in the above-captioned matter.

On February 22, 2022, Complainant filed a Complaint against Respondent Charles Bridge, LLC (“Charles Bridge” or “Respondent”) for alleged violations of Section 409 of the Toxic Substances Control Act (“TSCA”), 15 U.S.C. § 2689, and the regulations promulgated thereunder. 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 request 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 represented to Complainant he wants to settle this matter.

On January 10, 2024. Respondent submitted written consent to accept digital signatures for all documents filed by either party in this matter, other than the complaint, rulings, order and decisions. Respondent further consented to accept electronic service of documents, by electronic

mail, to the following address: bwlowry@att.net. (Attachment A) Complainant provided Respondent with a copy of the EPA Region 1 Standing Order. Mr. Lowry indicated that he would submit financial documentation in order for EPA to conduct an ability-to-pay analysis and is working on gathering the necessary financial information.

Respectfully submitted,

Dated: _____

Peter DeCambre
Senior Enforcement Counsel
U.S. Environment Protection Agency, Region 1
5 Post Office Square, Suite 100
Mail Code: OES 04-3
Boston, MA 02109-3912

CERTIFICATE OF SERVICE

I hereby certify that the Status Report has been sent to the following persons on the date noted below:

By Electronic Mail

Jensen.Leann@epa.gov
Santiago.Wanda@epa.gov
R1_Hearing_Clerk_Filings@epa.gov

By Electronic Mail

Brian Lowry
PO Box 1240
Bangor, ME 04402
bwlowry@att.net

Dated: _____

Peter DeCambre
Senior Enforcement Counsel
U.S. Environment Protection Agency, Region 1
5 Post Office Square, Suite 100
Mail Code: OES 04-3
Boston, MA 02109-3912