



UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
BEFORE THE ADMINISTRATOR

In the Matter of:)
)
Waterway Realty, LLC,) Docket No. TSCA-01-2014-0066
)
Respondent.)

**ORDER ON MOTION FOR LEAVE TO FILE AMENDED ANSWER AND REQUEST
FOR HEARING**

On September 30, 2014, the Legal Enforcement Manager of the Office of Environmental Stewardship, United States Environmental Protection Agency, Region 1 (“Complainant”) filed a Complaint seeking the imposition of civil penalties against Waterway Realty, LLC (“Respondent”) for alleged violations of Sections 15 and 409 of the Toxic Substances Control Act (“TSCA”), 15 U.S.C. §§ 2614, 2689, the Residential Lead-Based Paint Hazard Reduction Act of 1992, 42 U.S.C. § 4851 *et seq.*, and the regulations promulgated thereunder, 40 C.F.R. Part 745, Subparts E & L.

On November 17, 2014, Respondent, through counsel, filed an Answer and Request for Hearing. On December 23, 2014, Respondent filed—with the Regional Hearing Clerk—a Motion for Leave to File Amended Answer and Request for Hearing (“Motion”). Respondent included an Amended Answer with its Motion. On April 2, 2015, this matter was transferred to the Office of Administrative Law Judges for litigation. The parties engaged in an alternative dispute resolution process until July 2, 2015. At the conclusion of the alternative dispute resolution process, the undersigned was designated as the Presiding Officer for the litigation phase of this dispute.

This proceeding is governed by the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits, 40 C.F.R. §§ 22.1 to 22.45 (“Rules of Practice” or “Rules”). In relevant part, the Rules provide that an Answer may be amended “upon motion granted by the Presiding Officer.” 40 C.F.R. § 22.15(e). “A party's response to any written motion must be filed within 15 days after service of such motion. . . . Any party who fails to respond within the designated period waives any objection to the granting of the motion.” 40 C.F.R. § 22.16(b). Respondent filed its Motion on December 23, 2014, and Complainant has filed no objection to it.

In support of its Motion, Respondent argues that (1) it filed its Motion less than a month after its original Answer; (2) its proposed amendment is a good faith effort to clarify the record and incorporate documentation obtained after it filed its initial Answer; and (3) that

Complainant, through counsel, indicated that it does not oppose Respondent's Motion.

Upon consideration of the Motion and the reasons stated therefor, Respondent's Motion for Leave to File Amended Answer and Request for Hearing is hereby **GRANTED**. Respondent's Amended Answer and Request for Hearing is deemed filed and served on the date of this Order.

SO ORDERED.



Susan Biro
Chief Administrative Law Judge

Dated: July 8, 2015
Washington, D.C.

In the Matter of Waterway Realty, LLC, Respondent
Docket No. TSCA-01-2014-0066

CERTIFICATE OF SERVICE

I certify that the foregoing **Order On Motion For Leave To File Amended Answer And Request For Hearing**, dated July 8, 2015, was sent this day in the following manner to the addressees listed below.



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Staff Assistant

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Dated: July 8, 2015
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