

**BEFORE THE ENVIRONMENTAL APPEALS BOARD
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C.**

In re:)	
)	
Ronald H. Hunt, et al.)	
)	
Docket No. TSCA-03-2003-0285)	TSCA Appeal No. 05-01
)	

ORDER SCHEDULING ORAL ARGUMENT

On April 12, 2005, Ronald H. Hunt, et al. (“Appellants”) filed with this Board a Notice of Appeal challenging an Initial Decision, issued March 9, 2005, by Administrative Law Judge Susan L. Biro in the above-captioned case. The Initial Decision imposed a penalty of \$84,224.80 upon Respondents for 32 counts of violating section 409 of TSCA, 15 U.S.C. § 2689, and Section 1018 of the Residential Lead Based Paint Hazard Reduction Act of 1992 (the “Act”), 42 U.S.C. § 4852d, including regulations adopted under the Act.

In an Appeal Brief attached to their Notice of Appeal, the Appellants do not contest their liability on the above counts but claim that ALJ’s penalty assessment is excessive and disproportionate in light of the gravity of the Appellants’ violations and TSCA precedents. In a response filed May 5, 2005, Complainant Region III disputes the Appellants’ arguments, stating that the ALJ’s penalty was appropriately assessed in accordance with the EPA’s *Section 1018 Disclosure Rule Enforcement Policy*. On May 9, 2005, the Appellants filed a request for oral argument in this proceeding. On May 11, 2005, the Region filed a response to the Appellants’ request for oral argument, stating that although it believes that oral argument is not necessary because the issues in this matter are “straightforward” and have been sufficiently briefed, the

Region nonetheless would have no objection to oral argument if the Board believes that oral argument would be of assistance.

Upon reviewing the Initial Decision and appellate briefs, the Board has determined that oral argument will assist it in its deliberations regarding this matter. Accordingly, the parties are hereby requested to participate in oral argument beginning at 10:00 A.M. on Thursday, September 29, 2005, in the Administrative Court Room, U.S. Environmental Protection Agency, EPA East Building, Room 1152, 1201 Constitution Avenue, N.W., Washington, D.C. The Board has allocated sixty minutes for oral argument, thirty minutes per side. The Appellants shall proceed first and may reserve up to five minutes for rebuttal.

The parties must notify the Clerk of the Board in writing no later than Wednesday, August 31, 2005, of the names of counsel who will present oral argument on September 29. If counsel for any party wishes to participate in the argument using the EPA video-conferencing equipment in the Administrative Courtroom, counsel must forward a request, in writing, to the Clerk of the Board no later than August 31, 2005. Parties wishing to use EPA's video-conferencing equipment should also contact the Clerk of the Board by phone, at (202) 233-0122.

So ordered.

ENVIRONMENTAL APPEALS BOARD

Dated: July 28, 2005

By: _____ /s/
Anna L. Wolgast
Environmental Appeals Judge

