



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
Four Penn Center
1600 John F. Kennedy Boulevard
Philadelphia, Pennsylvania 19103-2852**

UPS OVERNIGHT

Mr. Robert Lauter d/b/a Prime Cut Paint
Sole Proprietor
Prime Cut Paint
1414 Baychester Ave.
Norfolk, VA 23503

**Re: Toxic Substances Control Act Complaint and Notice of Opportunity for Hearing
EPA Docket No. TSCA-03-2023-0034**

Dear Mr. Lauter:

Enclosed please find a copy of the Complaint and Notice of Opportunity for Hearing (“Complaint”) filed today with the Regional Hearing Clerk concerning alleged violations by Mr. Robert Lauter d/b/a Prime Cut Paint (“Mr. Lauter”) of Sections 15 and 409 of the Toxic Substances Control Act (“TSCA”), 15 U.S.C. §§ 2614 and 2689. The Complaint is based on alleged violations of the TSCA Lead Renovation, Repair and Painting Rule (“RRP Rule”) under 1) 40 C.F.R. § 745.89(a) for renovating without obtaining firm certification from EPA; 2) 40 C.F.R. § 745.89(d)(2) for failure to ensure that certified renovators were assigned to the renovation; 3) 40 C.F.R. § 745.84(a) for failure to distribute to the property owners a copy of EPA’s *Renovate Right* pamphlet prior to the renovations at issue; 4) 40 C.F.R. § 745.86(b)(6) for failure to make available all records demonstrating the performance of all lead-safe work practices; 5) 40 C.F.R. § 745.85(a)(1) for failure to post appropriate signage clearly identifying the work area and warning others not involved in the renovation to remain outside of the work area; and 6) 40 C.F.R. § 745.85(a)(2)(ii)(C) for failure to cover the ground with plastic sheeting or other disposable impermeable material extending 10 feet beyond the perimeter of the surfaces undergoing renovation. The Complaint and Notice of Opportunity for Hearing should be read and analyzed carefully to determine the alternatives available to Mr. Lauter in responding to the alleged violations.

An Answer to this Complaint must be filed within thirty (30) days of its receipt. The Answer must specifically respond to each of the allegations in the Complaint. Failure to respond to the Complaint and Notice by specific Answer within thirty (30) days of receipt will constitute an admission of the allegations made in the Complaint. Failure to answer may also result in the filing of a Motion for a Default Order and the possible issuance of a Default Order without further proceedings.

Mr. Lauter may choose to request a hearing to contest any matter set forth in the Complaint. Such request must be included in the Answer to this Complaint. Whether or not a

hearing is requested, Mr. Lauter may request an informal settlement conference to discuss resolution of this case. The attorney assigned to this case is Patrick Foley, Assistant Regional Counsel.

Mr. Lauter may have his counsel contact Mr. Foley on Respondent's behalf at:

Patrick Foley (3RC30)
Assistant Regional Counsel
U.S. Environmental Protection Agency
Four Penn Center
1600 John F. Kennedy Boulevard
Philadelphia, Pennsylvania 19103-2029

Mr. Foley can be reached by telephone at (215) 814-2694, or by email at Foley.Patrick.J@epa.gov.

Sincerely,

Karen Melvin, Director
Enforcement and Compliance Assurance Division
U.S. Environmental Protection Agency, Region 3

Enclosures

Cc: Patrick Foley, EPA
Craig Yussen, EPA