



**UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY  
BEFORE THE ADMINISTRATOR**

**In the Matter of:** )  
 )  
**Detroit Renovations, LLC, and** ) **Docket No. TSCA-HQ-2018-5006**  
**Nicole Curtis** )  
 )  
**Respondents.** )

**SUPPLEMENTARY PREHEARING ORDER**

On August 1, 2018, the Director of the Waste and Chemical Enforcement Division, Office of Civil Enforcement, Office of Enforcement and Compliance Assurance, of the U.S. Environmental Protection Agency (“Complainant”) commenced a civil administrative proceeding against Nicole Curtis and Detroit Renovations, LLC (“Respondents”), with the filing of a Civil Complaint and Notice of Opportunity for Hearing (“Complaint”) pursuant to Section 16(a) of the Toxic Substances Control Act, 15 U.S.C. § 2615(a), and the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits (“Rules”), 40 C.F.R. Part 22.

On January 2, 2019, Respondents filed a document that was deemed to constitute their Answer by Notice dated February 19, 2019. Concurrent with the Notice, I issued a Prehearing Order establishing deadlines for the parties to engage in a prehearing exchange of information, which have been extended on multiple occasions. Complainant filed its Initial Prehearing Exchange on June 17, 2019. Complainant was subsequently granted leave to amend the Complaint to reduce the number of counts of alleged violation and reduce the proposed penalty, and it proceeded to file an Amended Civil Complaint and Notice of Opportunity for Hearing (“Amended Complaint”) on August 9, 2019. According to a document entitled “Proof of Service of Amended Complaint and Notice of Opportunity for Hearing” filed by Complainant on August 21, 2019, Respondent was first served with a copy of the Amended Complaint on July 11, 2019. The Rules provide that a respondent shall have 20 days from the date of service of an amended complaint to file any amended answer. 40 C.F.R. § 22.14(c). Here, however, Respondents did not file an amended answer.<sup>1</sup>

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<sup>1</sup> On July 23, 2019, Respondent Nicole Curtis filed a Motion for Extension of Time (“Motion”) noting that the filing deadline for Respondents’ prehearing exchange(s) was July 8, 2019, and requesting an “additional 45 days.” At the time, Complainant had not yet filed its Amended Complaint or documentation showing that it had already served a copy of the Amended Complaint on Respondents. Accordingly, I understood the Motion as requesting an extension only of the deadline for Respondents to file their prehearing exchange(s). However, knowing now that Complainant had served a copy of the Amended Complaint on Respondents on July 11, the Motion arguably could have also been seeking an extension of the deadline for Respondents to file an amended answer. In any event, that deadline, even if it had been extended by 45 days, has passed.

Now that Complainant has filed the Amended Complaint, it is appropriate for the prehearing exchange process to resume. The record reflects that the parties have been engaged in efforts to settle this matter without resort to a hearing. If the case is settled, the parties shall file their executed consent agreement and proposed final order with the Environmental Appeals Board (“Board”) for ratification no later than **October 25, 2019**. The parties shall also file a notice of this filing, *without attaching the executed consent agreement and proposed final order or mentioning any terms of settlement*, with the Headquarters Hearing Clerk. Upon ratification of the parties’ consent agreement by the Board and the filing of the fully-executed consent agreement and final order (“CAFO”) with the Clerk of the Board, the parties shall file a courtesy copy of the fully-executed CAFO with the Headquarters Hearing Clerk.

If the parties’ executed consent agreement and proposed final order is not filed with the Board on or before October 25, 2019, the parties shall prepare for hearing. As noted above, Complainant has already filed its Initial Prehearing Exchange. The deadlines for the remaining items called for in the Prehearing Order dated February 19, 2019, are as follows:

<b>October 25, 2019</b>	Respondents’ Prehearing Exchange(s)
<b>November 8, 2019</b>	Complainant’s Rebuttal Prehearing Exchange

The parties will be provided with notice of the scheduled hearing following the completion of the prehearing exchange. For any questions about this Order, the Rules, or any other procedural, scheduling, or logistical issues, the parties may contact Jennifer Almase, Attorney-Advisor, at (202) 564-1170 or [almase.jennifer@epa.gov](mailto:almase.jennifer@epa.gov).

**SO ORDERED.**



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Susan L. Biro  
Chief Administrative Law Judge

Dated: October 2, 2019  
Washington, D.C.

In the Matter of *Detroit Renovations, LLC, and Nicole Curtis* Respondents.  
Docket No. TSCA-HQ-2018-5006

**CERTIFICATE OF SERVICE**

I hereby certify that the foregoing **Supplementary Prehearing Order**, dated October 2, 2019, and issued by Chief Administrative Law Judge Susan L. Biro, was sent this day to the following parties in the manner indicated below.



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Mary Angeles  
Paralegal Specialist

Original and One Copy by Personal Delivery to:

Mary Angeles, Headquarters Hearing Clerk  
U.S. Environmental Protection Agency  
Office of Administrative Law Judges  
Ronald Reagan Building, Room M1200  
1300 Pennsylvania Ave., NW  
Washington, DC 20004

Copy by Electronic Mail to:

Amos Presler, Attorney Advisor  
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U.S. Environmental Protection Agency  
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Washington, D.C. 20460  
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*For Complainant*

Raymond C. Bosch, Attorney Advisor  
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*For Complainant*

Copy by Electronic and Regular Mail to:

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*For Respondents*

**Dated: October 2, 2019**  
**Washington, D.C.**