

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

In the Matter of:	:	Docket No.
	:	TSCA-03-2023-0034
	:	
Robert Lauter d/b/a Prime Cut Paint,	:	STATUS REPORT AND PRELIMINARY
	:	STATEMENT
Respondent.	:	
	:	
	:	

STATUS REPORT

Pursuant to Chief Administrative Law Judge Susan L. Biro’s January 19, 2023 Prehearing Order (“Prehearing Order”), Complainant reports that the EPA, through counsel, attempted on multiple occasions to engage in settlement discussions with Respondent on January 25 & January 26, 2023 over email without success. Counsel for EPA offered to convene a settlement conference with the Respondent; however, the Respondent reiterated his position that he did not wish to engage with EPA in settlement discussions. The EPA remains willing to attempt to reach an amicable resolution of this matter. However, Respondent has stated on multiple occasions to EPA prior to the Prehearing Order that he will not engage in any settlement conversations and intends to file suit against EPA in the U.S. Federal District Court system rather than proceed through the administrative process. Thus, Complainant reports that settlement of this matter amicably is unlikely.

PRELIMINARY STATEMENT

Guided by the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation, Termination or Suspension of Permits (“Consolidated Rules of Practice”), specifically 40 C.F.R. §§ 22.21(d) and 22.19(d), Complainant requests that the hearing be held in Philadelphia, Pennsylvania where EPA Region III’s office is located, but in the alternative, would be willing to travel to the city of Norfolk, Virginia where Respondent’s principal place of business resides if such location is more convenient to Respondent. Complainant also consents to a hearing via video or TEAMS given health conditions that may still limit in person hearings. Complainant consents to the Tribunal’s service of orders and decisions, and to service of documents filed by Respondent, by email only (including e-mails with links to file sharing services) at foley.patrick,j@epa.gov.

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CERTIFICATE OF SERVICE

I certify that, on the date below, the foregoing STATUS REPORT AND PRELIMINARY STATEMENT, was served upon the persons listed in the manner indicated.

Original and one copy via THE OALJ E-Filing System

Mary Angeles, Headquarters Hearing Clerk

One copy via THE OALJ E-Filing System

Susan L. Biro, Chief Administrative Law Judge

Copies served via email to:

Mr. Robert Lauter d/b/a Prime Cut Paint
1414 Baychester Ave.
Norfolk, VA 23503
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Copies served via email to:

Patrick Foley
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Date

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