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Robert Lauter
Prime Cut Paint
1414 Baychester Avenue
Norfolk, VA 23503

EPA

Administrative Law
Judges

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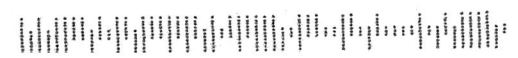
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THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY BEFORE THE ADMINISTRATOR

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In the Matter of:)
)
Robert Lauter d/b/a Prime Cut Paint) Docket No. TSCA-03-2023-0034
)
Respondent.)

INITIAL DECISION AND ORDER ON PENALTY

I. ABBREVIATED PROCEDURAL HISTORY

This civil penalty proceeding arises from an Administrative Complaint and Notice of Opportunity for Hearing ("Complaint") filed on December 7, 2022, by the Director of the Enforcement and Compliance Assurance Division of the United States Environmental Protection Agency ("EPA" or "Agency"), Region 3 ("Complainant"), alleging that Robert Lauter d/b/a Prime Cut Paint ("Respondent") violated Sections 15 and 409 of the Toxic Substances Control Act ("TSCA"), 15 U.S.C §§ 2614 and 2689, by failing to comply with the regulatory requirements of 40 C.F.R. Part 745, Subpart E (known as the Lead-Based Paint Renovation, Repair, and Painting Rule or "RRP Rule"), in relation to activities performed at four separate properties in the Commonwealth of Virginia. Specifically, the Complaint charged Respondent with 15 counts of violation and proposed a total civil monetary penalty of \$117,250 in regard thereto.

On January 5, 2023, Respondent, appearing pro se, filed a response to the Complaint, and the Regional Hearing Clerk subsequently forwarded the matter to this Tribunal for adjudication. Pursuant to an Order of this Tribunal, on February 23, 2023, Respondent then filed an Answer to the Complaint.

A Prehearing Order establishing prehearing procedures and deadlines, including deadlines for the parties to engage in a settlement conference and to participate in a prehearing exchange of information, was issued on January 19, 2023. Respondent declined to participate in a settlement conference or file a prehearing exchange as directed by the Prehearing Order, however. On April 20, 2023, an Order to Respondent to Show Cause was issued, advising Respondent that under Section 22.17(a) of the applicable procedural rules (named the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits ("Rules of Practice" or "Rules") and codified at 40 C.F.R. Part 22), a party may be found to be in default upon failure to comply with the requirement to exchange information pursuant to Section 22.19(a) or an order of the presiding Administrative Law Judge, and that default by a respondent constitutes an admission of all facts alleged in the complaint and a waiver of the respondent's right to contest those allegations.