



United States  
Environmental Protection Agency  
Washington, DC 20460

Official Business  
Penalty for Private Use \$300.00



7020 0090 0002 1746 3373



RECEIVED BY DALJ  
2024 FEB 20 AM 7:01:49

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

44

NIXIE 231 7E 1 0202/06/24 24

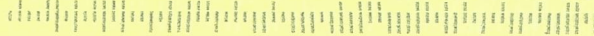
RETURN TO SENDER  
NOT DELIVERABLE AS ADDRESSED  
UNABLE TO FORWARD

1: 94009208920382

2350382302 UTE

BC: 20460

\*0892-03811-06-



PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT  
OF THE RETURN ADDRESS, SOLD SEPARATELY

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:  
*Robert Lauter*  
*Prime Cut Paint*  
*1414 Baychester Ave.*  
*Norfolk, Va. 23583*



9590 9402 5183 9122 1969 31

*JB*

2. Article Number (Transfer from service label)  
7020 0090 0002 1746 3373

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature  
**X**  Agent  
 Addressee

B. Received by (Printed Name) C. Date of Delivery

D. Is delivery address different from item 1?  Yes  
If YES, enter delivery address below:  No

3. Service Type
- Adult Signature
  - Adult Signature Restricted Delivery
  - Certified Mail®
  - Certified Mail Restricted Delivery
  - Collect on Delivery
  - Collect on Delivery Restricted Delivery
  - Registered Mail Express®
  - Registered Mail™
  - Registered Mail Restricted Delivery
  - Return Receipt for Merchandise
  - Signature Confirmation™
  - Signature Confirmation Restricted Delivery

PS Form 3811, July 2015 PSN 7530-02-000-9053

Domestic Return Receipt



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY BEFORE THE ADMINISTRATOR

20230105 10:00 AM

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

DEFAULT ORDER

I. Procedural Background

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, in relation to activities performed at four properties in the Commonwealth of Virginia. Specifically, the Complaint charges Respondent with 15 counts of violation and proposes a total civil monetary penalty of \$117,250 in regard thereto. As reflected in the proof of delivery filed by Complainant, Respondent was served with a copy of the Complaint by commercial delivery service on December 8, 2022.1

On January 5, 2023, Respondent, appearing pro se, filed a document responding to the Complaint, and the Regional Hearing Clerk subsequently forwarded the matter to this Tribunal for adjudication. Upon review of the document filed by Respondent, I determined that it did not fulfill the requirements for an answer set forth in the Rules of Practice inasmuch as it failed to admit, deny, deny for lack of knowledge, or otherwise explain each paragraph of the Complaint alleging a fact or facts. Respondent also did not request a hearing.

Accordingly, in an Order to Respondent to File Answer, I directed Respondent to file an answer that complied with the Rules by February 10, 2023. Concurrently, I issued a Prehearing Order directing the parties first to engage in a settlement conference and then, if a settlement was

1 This proceeding is governed by 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"), codified at 40 C.F.R. §§ 22.1 to 22.45. The Rules of Practice require a complaint to be served on the respondent, or a representative authorized to receive service on the respondent's behalf, personally, by certified mail with return receipt requested, or by any reliable commercial delivery service that provides written verification of delivery. 40 C.F.R. § 22.5(b)(1)(i). Service of the complaint is considered complete when the return receipt is signed. 40 C.F.R. § 22.7(c). Here, the proof of delivery filed by Complainant reflects that the Complaint was sent to Respondent by UPS Next Day Air, with signature required, and received by Respondent on December 8, 2022. Thus, service was complete on that date.