

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

In the Matter of:	)	Docket No.: CAA-03-2021-0058
	)	
Keystone Automotive Operations, Inc.	)	COMPLAINANT’S MOTION FOR
	)	PARTIAL ACCELERATED DECISION
Respondent	)	ON LIABILITY AND TO STRIKE
	)	AFFIRMATIVE DEFENSES

**COMPLAINANT’S MOTION FOR PARTIAL ACCELERATED DECISION  
ON LIABILITY AND TO STRIKE AFFIRMATIVE DEFENSES**

Complainant, the Director of the Enforcement and Compliance Assurance Division, Region 3 (“Complainant”), pursuant to 40 C.F.R. §§ 22.16 and 22.20 of the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits (“Consolidated Rules of Practice”) and in accordance with Chief Administrative Law Judge Susan L. Biro’s March 31, 2021 Prehearing Order (“Prehearing Order”), files this Motion for Partial Accelerated Decision on Liability and to Strike Affirmative Defenses (“Motion”) seeking the issuance of an Order granting accelerated decision in favor of Complainant as to liability for the 15,621 violations of Section 203(a)(3)(B) of the Clean Air Act (“CAA”), 42 U.S.C. § 7522(a)(3)(B), alleged in the Administrative Complaint and Notice of Opportunity for Hearing (“Complaint”) filed in the above-captioned matter.

As set forth in Complainant’s accompanying Memorandum of Law filed in support of, and concurrently with, this Motion, including the declarations of Jason Gumbs and of Amelie Isin attached thereto, which relies on the pleadings and documents in the record, and the facts and law set forth therein, there is no genuine issue of material fact and Complainant is entitled to judgement as a matter of law as to the liability of Keystone Automotive Operation, Inc. (“Respondent”) for the 15,621 violations of Section 203(a)(3)(B) of the CAA, 42 U.S.C.

§ 7522(a)(3)(B), alleged in the Complaint.

WHEREFORE, for the foregoing reasons, Complainant requests that the Presiding Officer issue an Order granting Complainant's Motion for Partial Acceleration Decision as to Liability. In the alternative, Complainant requests that the Presiding Officer narrow the issues for hearing by determining what material facts remain controverted, and by ruling on those claims and defenses for which no material facts are in dispute.

As directed by the Prehearing Order, Complainant contacted Respondent's counsel to determine Respondent's position as to the granting of the relief sought in this Motion, and hereby states that Respondent OBJECTS to the granting of such relief.

Respectfully Submitted,

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