

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 7

901 NORTH FIFTH STREET
KANSAS CITY, KANSAS 66101

09 JUL 24 PM 3:05

ENVIRONMENTAL PROTECTION
AGENCY-REGION VII
REGIONAL HEARING CLERK

IN THE MATTER OF:)

AMBRUST REALTY RENTALS)
OMAHA, NEBRASKA)

Respondent)

) Docket No. TSCA-07-2008-0022

) ORDER TO RESPONDENT
) TO SHOW CAUSE

Background and Procedural Status

This action was initiated by Complainant by filing a Complaint and Notice of Opportunity for Hearing on August 1, 2008, alleging failure to comply with provisions of the Toxic Substances Control Act in violation of Section 409, 15 U.S.C. § 2689. The complaint stated that Respondent was required to file a written response to the complaint within thirty days of "receipt" of the complaint. The complaint advised Respondent that failure to respond within thirty days could result in a finding of default and assessment of a civil penalty of \$22,000 against Respondent pursuant to section 16 of the Toxic Substances Control Act, 42 U.S.C. §2615.¹ The record in this proceeding contains a return receipt, signed by Herbert Armbrust, indicating that the complaint was delivered to Respondent on August 6, 2008. The record does not show that Respondent has complied with the requirement to file an answer to the complaint.

¹ Complainant also filed a motion for default order and supporting documents on March 25, 2009. The record does not contain information on service of the motion, and Complainant is required to address service in a separate order issued concurrently with this order to Respondent. This does not, however, affect Respondent's obligations with respect to compliance with this order.

Order

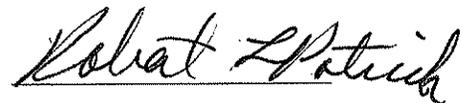
Based on the foregoing, it is therefore ORDERED, that Respondent, Ambrust Realty Rentals, shall show cause, if any there be, why it should not be found in default in this matter. **Respondent shall, no later than August 7, 2009, file its response to this order with the Regional Hearing Clerk.** The response must be addressed to:

Regional Hearing Clerk, Region 7
United States Environmental Protection Agency
901 North 5th St.
Kansas City, Kansas 66101

Failure by Respondent to comply with this Order will subject Respondent to a finding of default and to an order assessing a civil penalty.

Dated:

July 24, 2009



ROBERT L. PATRICK
Regional Judicial Officer
Region 7

IN THE MATTER OF Ambrust Realty Rentals, Respondent
Docket No. TSCA-07-2008-0022

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing Order to Respondent to Show Cause was sent this day in the following manner to the addressees:

Copy hand delivered to
Attorney for Complainant:

Demetra Salisbury
Assistant Regional Counsel
Region VII
United States Environmental Protection Agency
901 N. 5th Street
Kansas City, Kansas 66101

Copy by Restricted Delivery, Return Receipt to:

Herbert J. Armbrust
Armbrust Realty Rentals
3163 Leavenworth Street
Omaha, Nebraska 68105

7/24/09
Date


Kathy Robinson
Hearing Clerk, Region 7