

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5

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In the Matter of:)
)
JLM Chemicals, Inc.,) Docket No. RCRA-05-2009-0017
)
)
Respondent.)
_____)

ORDER TO SHOW CAUSE

Complainant, by lawful delegation, the Director of the Land and Chemicals Division, U.S. Environmental Protection Agency Region 5, has moved for entry of a Default Order against Respondent JLM Chemicals, Inc. for its failure to file an Answer in this matter.

Complainant initiated this administrative action by filing a Complaint on September 14, 2009, alleging that Respondent violated Sections 3002 and 3004 of the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. §§ 6922 and 6924. Respondent has not filed an Answer in the time frame prescribed by 40 C.F.R. § 22.15(a). On April 27, 2010, Complainant moved for the entry of a Default Order finding all of the facts in the Complaint admitted and assessing a civil penalty in the amount of \$1,086,900 against Respondent.

This proceeding is governed by the Consolidated Rules of Practice, 40 C.F.R. Part 22. Section 22.17(a) of the Consolidated Rules provides in part:

(a) *Default.* A party may be found to be in default: after motion, upon failure to file a timely answer to the complaint. . . . Default by respondent constitutes, for purposes of the pending proceeding only, an admission of all facts alleged in the complaint and a waiver of respondent's right to contest such factual allegations. . . .

(c) *Default order.* When the Presiding Officer finds that a default has occurred, he shall issue a default order against the defaulting party as to any or all parts of the proceeding unless the record shows good cause why a default order should not be issued. If the order resolves all outstanding issues and claims in the proceeding, it shall constitute the initial decision under these Consolidated Rules of Practice. The relief proposed in the complaint or in the motion for default shall be ordered unless the requested relief is clearly inconsistent with the record of the proceeding or the Act.

In view of the gravity and consequences of a default, Respondent JLM Chemicals, Inc. is ORDERED, on or before **September 1, 2010**, to show cause why it should not be held in default and to answer the Complaint. **Failure on the part of Respondent to file a timely response to this Order could subject it to assessment of the full amount of the proposed civil penalty of \$1,086,900.**

SO ORDERED.

Dated: August 11, 2010



Handwritten signature of Marcy A. Toney in cursive script.

Marcy A. Toney
Regional Judicial Officer

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In the Matter of JLM Chemicals, Inc.
Docket No. RCRA-05-2009-0017

CERTIFICATE OF SERVICE

I certify that the foregoing Order to Show Cause, dated August 11, 2010, was sent this day in the following manner:

Original hand delivered to:

Regional Hearing Clerk
U.S. Environmental Protection
Agency, Region 5
77 West Jackson Boulevard
Chicago, IL 60604-3590

Copy hand delivered to
Attorney for Complainant:

Harriet Croke
U. S. Environmental Protection
Agency, Region 5
Office of Regional Counsel
77 West Jackson Boulevard
Chicago, IL 60604-3590

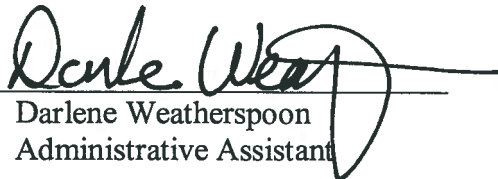
Copy by U.S. Certified Mail
Return Receipt Requested to:

JLM Chemicals, Inc.
c/o National Registered Agents, Inc.
200 West Adams Street
Chicago, IL 60606-5208

Dated:

8/11/10

By:


Darlene Weatherspoon
Administrative Assistant