



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

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BEFORE THE ADMINISTRATOR

REGIONAL HEARING CLERK U.S. ENVIRONMENTAL PROTECTION AGENCY

In the Matter of: )
Rose Real Estate Properties, Inc., ) Docket No. TSCA-05-2011-0004
Respondent. )

ORDER TO SHOW CAUSE

By Prehearing Order dated June 10, 2011, Rose Real Estate Properties, Inc., ("Respondent") was required to file its prehearing exchange on or before August 12, 2011. To date, Respondent has failed to file its Prehearing Exchange. Respondent did file a letter on August 4, 2011, in which it certifies that it received a copy of the Amended Complaint and Proposed Penalty, requests a hearing, and appears to admit liability but contest the penalty. This letter is not a prehearing exchange. It does not identify any witnesses or include any documents that Respondent might use to defend itself at hearing. It does not indicate how much time Respondent will require to present its case. It does not clearly admit, deny, or explain each of the factual allegations in the Complaint or Amended Complaint. Finally and most importantly, it does not address the reasons given for the Proposed Penalty nor explain why the Proposed Penalty should be reduced.

Section 22.17(a) of the Rules of Practice provides that a party may be found in Default for failing to comply with a Prehearing Order. 40 C.F.R. § 22.17(a). A Default is "an admission of all facts alleged . . . and a waiver of [R]espondent's right to contest such factual allegations." Id. If Respondent is found in Default, it may be held liable for the entire Proposed Penalty. Respondent has not complied with the Prehearing Order. Therefore, Respondent is Ordered to submit a document on or before September 2, 2011, explaining why it had good cause for failing to submit its prehearing exchange as required by the Prehearing Order and why a Default should not be entered against it.

[Handwritten signature]
Susan L. Biro
Chief Administrative Law Judge

Dated: August 18, 2011
Washington, D.C.

In the Matter of Rose Real Estate Properties, Inc., Respondent  
Docket No. TSCA-05-2011-0004

CERTIFICATE OF SERVICE

I certify that the foregoing **Order To Show Cause**, dated August 18, 2011, was sent this day in the following manner to the addressees listed below.



Maria Whiting-Beale  
Staff Assistant

Dated: August 18, 2011

Original And One Copy By Pouch Mail To:

La Dawn Whitehead  
Regional Hearing Clerk  
U.S. EPA  
77 West Jackson Boulevard, E-19J  
Chicago, IL 60604-3590

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U.S. ENVIRONMENTAL  
PROTECTION AGENCY**

Copy By Pouch Mail To:

John Matson, Esquire  
Associate Regional Counsel  
U.S. EPA  
77 West Jackson Boulevard, C-14J  
Chicago, IL 60604-3590

Copy By Regular Mail And Certified Mail  
Return Receipt To:

Reverend Floyd E. Rose  
1619 North Lee Street  
Valdosta, GA 31602