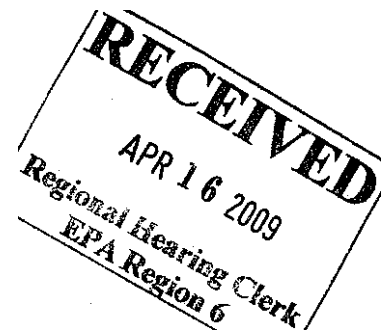


UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 6
DALLAS, TEXAS



In the Matter of:)
)
Aberdeen Apartments,) Docket No. TSCA-06-2008-6099
)
Respondent.)

ORDER TO FILE STATUS REPORT

This action, initiated by the Complainant, Director of the Compliance Assurance and Enforcement Division, United States Environmental Protection Agency Region 6, seeks to assess an administrative penalty under Section 16 of the Toxic Substances Control Act, 15 U.S.c. § 2615. This action is governed by procedures set forth in the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits codified at 40 C.P.R. Part 22. Pursuant to 40 C.P.R. § 22.4(b), I have been assigned to act as Presiding Officer in this matter until the Respondent files an answer to the complaint. As of the date of this Order, Respondent has not filed an answer.

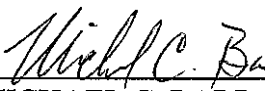
Complainant filed the Complaint and Notice of Opportunity for Hearing ("Complaint") in this action on September 30, 2008. On November 5, 2008, the Complainant filed a Status Report in which Complainant reported that on October 8, 2008, Respondent had refused service of the Certified Mail envelope transmitting the Complaint and that on October 30, 2008, Respondent had refused delivery of a second Certified Mail envelope transmitting the Complaint. Complainant stated that Complainant would continue to attempt to obtain service and notify the Regional Hearing Clerk when service had been obtained. The Regional Hearing Clerk's file in this case contains no other filings. After giving consideration to the entire record in this matter and to the Presiding Officer's responsibility to avoid delay in these proceedings, it is ordered that the parties shall comply with following measures for the orderly and efficient conduct of these proceedings:

- I. On or before **May 15, 2009**, Complainant shall file a report on the status of this matter, including, at a minimum: (1) a statement as to whether the Complainant has been successful in completing service of the Complaint on Respondent; (2) if the Complainant has not been successful in completing service on Respondent, Complainant's plan for completing service or otherwise bringing this case to conclusion; (3) if the Complainant has been successful in completing service on Respondent, the date and method of service and the nature of documentation establishing service, a statement of Complainant's intention to file a motion for default and, if applicable, the date Complainant expects to file its motion, a summary of recent contacts, if any, between Complainant and Respondent (without disclosing the substance of settlement negotiations), an assessment of

whether settlement with Respondent appears likely, a statement of whether a settlement in principle with Respondent has been reached, and, if applicable, a projected date for the filing of a consent agreement and final order.

2. If Complainant has a return receipt (green card) or other documentation showing that the Complaint was successfully delivered to Respondent, Complainant shall file such documentation with the Regional Hearing Clerk on or before **May 15, 2009.**

SO ORDERED, this 16th day of April 2009.



MICHAEL C. BARRA
REGIONAL JUDICIAL OFFICER

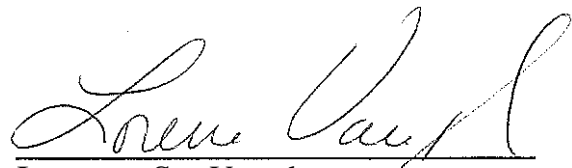
CERTIFICATE OF SERVICE

I, Lorena S. Vaughn, the Regional Hearing Clerk for the Region 6 offices of the Environmental Protection Agency, hereby certify that a TRUE AND CORRECT copy of the Order to File Status Report in Docket No. TSCA 06-2008-6099, was served upon the parties on the date and in the manner set forth below:

Ms. Lisa Barajas
Manager
Aberdeen Apartments
3400 Woodchase Drive
Houston, Texas 77042-5500

U.S. FIRST CLASS MAIL -
Return Receipt Requested

DATE: 4-16-09



Lorena S. Vaughn
Regional Hearing rk