

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5

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In the Matter of:)
)
Rose Real Estate Properties, Inc.,)
Valdosta, Georgia,)
)
Respondent)
_____)

Docket No. TSCA-05-2011-0004
Proceeding to Assess a Civil Penalty
Under Section 16(a) of the Toxic Substances
Control Act, 15 U.S.C. § 2615(a)

COMPLAINANT'S SECOND STATUS REPORT

Complainant, the United States Environmental Protection Agency, Region 5 hereby files this report to advise the Court of the status of the above-captioned matter.

In an Order dated September 7, 2011, Chief Judge Biro directed all deadlines in this case were stayed until further notice so that EPA and Respondent, Rose Real Estate Properties, Inc. ("Respondent"), would engage in alternative dispute resolution ("ADR) facilitated by the Court. Chief Judge Biro established that ADR would automatically terminate on November 4, 2011.

The Parties held an ADR teleconference with Judge Gunning on September 27, 2011. On October 14, 2011, Respondent provided EPA with financial documents for EPA to analyze Respondent's ability to pay the \$4,850 penalty sought by EPA in this case.

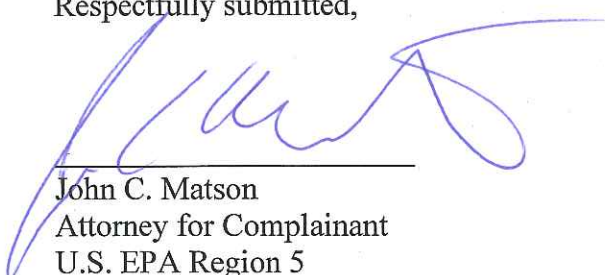
On November, 2, 2011, the Parties held another ADR teleconference with Judge Gunning, during which the Parties agreed to settle the case for \$100 based on Respondent's ability to pay. On November 2, 2011, Judge Gunning recommended, and Chief Judge Biro approved a continuation of ADR until December 4, 2011. EPA subsequently prepared a Consent Agreement and Final Order, which it forwarded to Respondent on November 28, 2011 for its review.

The Parties next held an ADR teleconference on November 30, 2011, after which Judge Gunning recommended, and Chief Judge Biro approved a final continuation of ADR until January 4, 2011.

The current status of the case is that the Parties have reached an agreement on the terms settling EPA's case against Respondent, and Respondent has signed the CAFO concluding the case. Respondent also inadvertently forwarded a check for the \$100 penalty to EPA's Cincinnati Finance Center, which EPA is holding until the filing of the CAFO. The CAFO is currently undergoing internal signoff in EPA Region 5, and due to absences over the holidays Complainant does not anticipate being able to file an fully-executed CAFO settling this matter prior to the conclusion of ADR on January 4, 2012, despite the Parties' best intentions and efforts. Complainant anticipates that it will be able to file a fully-executed on or before January 18, 2012, and accordingly requests leave of the Court for this amount of time to complete the settlement process.

Respectfully submitted,

Dated: Jan 3, 2012



John C. Matson
Attorney for Complainant
U.S. EPA Region 5

Rose Real Estate Properties, Inc.
Docket No.: TSCA-05-2011-0004

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CERTIFICATE OF SERVICE

I hereby certify that on January 3, 2012, a copy of Complainant's Second Status Report was filed by hand delivery with:

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

I further certify that on that date, I arranged for a copy of same to be sent via certified mail, return receipt requested, to the Respondent by placement of it in the custody of the United States Postal Service, addressed as follows:

Rev. Floyd Rose
Rose Real Estate
c/o Serenity Christian
1619 North Lee Street
Valdosta, Georgia 31602

I further certify that on that date, I arranged for a copy of same to be sent via pouch delivery to:

Chief Administrative Judge Susan L. Biro
Office of Administrative Law Judges
U.S. Environmental Protection Agency
Mail Code 1900L
1200 Pennsylvania Ave., NW
Washington D.C. 20460-2001

1-3-2012

Date