

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 7
11201 RENNER BOULEVARD
LENEXA, KANSAS 66219

UNITED STATES
ENVIRONMENTAL PROTECTION
AGENCY-REGION 7
2015 NOV 10 AM 10:34

IN THE MATTER OF)
)
Matthew Andersen)
d/b/a Andersen Painting)
Omaha, NE)
)
Respondent.)
_____)

Docket No. TSCA-07-2014-0033

ORDER TO SHOW CAUSE

On November 9, 2015, Complainant U.S. Environmental Protection Agency, Region 7, filed two Motions: 1) Motion to Withdraw Default Order; and 2) Motion to Withdraw Amended Exhibit 5 to Complainant's Motion for Default Order. This proceeding is governed by the Consolidated Rules of Practice, 40 C.F.R. Part 22 (Consolidated Rules). Section 22.16 of the Consolidated Rules provides in part:

- (a) *General.* Motions shall be served as provided by § 22.5(b)(2). Upon the filing of a motion, other parties may file responses to the motion and the movant may file a reply to the response. Any additional responsive documents shall be permitted only by order of the Presiding Officer or Environmental Appeals Board, as appropriate. All motions, except those made orally on the record during a hearing, shall:
- (1) Be in writing;
 - (2) State the grounds therefor, with particularity;
 - (3) Set forth the relief sought; and
 - (4) Be accompanied by any affidavit, certificate, other evidence or legal memorandum relied upon.
- (b) *Response to motions.* A party's response to any written motion must be filed within 15 days after service of such motion. The movant's reply to any written response must be filed within 10 days after service of such response and shall be limited to issues raised in the response. The Presiding Officer or the Environmental Appeals Board may set a shorter or longer time for response or reply, or make other orders concerning the disposition of motions. The response or reply shall be accompanied by any affidavit, certificate, other evidence, or legal memorandum relied upon. Any party who fails to respond within the designated period waives any objection to the granting of the motion.

Complainant's Motions do not appear to conform to 40 C.F.R. § 22.16(a). On or before November 20, 2015, Complainant is directed to provide a detailed explanation of how both

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Motions comply with Section 22.16(a) or, in the alternative, amend both Motions in conformance with 40 C.F.R. § 22.16(a).

SO ORDERED this 10th day of November, 2015.



Karina Borrromeo
Regional Judicial Officer

IN THE MATTER OF Matthew Andersen d/b/a Andersen Painting, Respondent
Docket No. TSCA-07-2014-0033

CERTIFICATE OF SERVICE

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

Copy by hand delivery to Attorney for Complainant:

Lucretia Myers
Office of Regional Counsel
Region 7
11201 Renner Boulevard
Lenexa, Kansas 66219

Copy by First Class Certified Mail to Respondent:

Matthew Andersen
d/b/a Andersen Painting
8020 North 31st Street
Omaha, Nebraska 68112

Dated: 11/10/15



Kathy Robinson
Hearing Clerk, Region 7