

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5

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U.S. EPA REGION 5

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In the Matter of:)	Docket No. TSCA-05-2011-0004
)	
Rose Real Estate Properties, Inc.,)	Proceeding to Assess a Civil Penalty
Valdosta, Georgia,)	Under Section 16(a) of the Toxic Substances
)	Control Act, 15 U.S.C. § 2615(a)
Respondent)	
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COMPLAINANT'S FIRST 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.

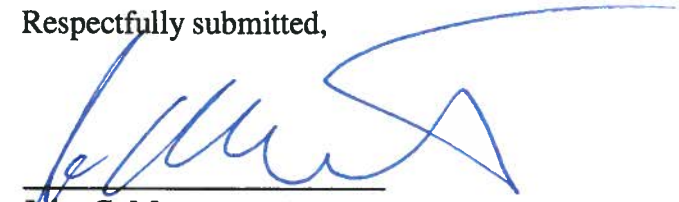
On June 10, 2011, Chief Judge Biro directed that prior to June 24, 2011, EPA engage in a settlement conference with Respondent, Rose Real Estate Properties, Inc. ("Respondent"), and for EPA to file a status report concerning settlement with the court on or before July 1, 2011.

The current status of the case is that the Parties held a settlement conference over the telephone on June 23, 2011, at which Respondent made a settlement offer to EPA. EPA rejected the offer and made a counterproposal to Respondent on June 28, 2011. Respondent then indicated an inability to pay the penalty sought by EPA. Counsel for EPA then forwarded to Respondent the form necessary to claim an inability to pay. EPA had previously forwarded this form to Respondent on August 3, 2010, September 23, 2010, December 3, 2010, and December 9, 2010.

Based on a significant gap between the Parties' settlement positions, Complainant does not anticipate settling this matter, despite the Parties best intentions. Complainant will file its pre-hearing exchange prior to the July 22, 2011 deadline.

Respectfully submitted,

Dated: G-28-11



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 June 28, 2011, a copy of Complainant's 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

6-28-11
Date