

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 7  
11201 RENNER BOULEVARD  
LENEXA, KS 66219

UNITED STATES  
ENVIRONMENTAL PROTECTION  
AGENCY-REGION 7

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IN THE MATTER OF )  
)  
SUPERIOR RESTORATION )  
& CONSTRUCTION LLC, )  
)  
Respondent. )  
\_\_\_\_\_ )

Docket No. TSCA-07-2016-0017

**ORDER TO RESPONDENT TO SHOW CAUSE**

This administrative action was initiated by Complainant, U.S. Environmental Protection Agency, Region 7, by the filing of a Complaint and Notice of Opportunity For Hearing (“Complaint”) on August 16, 2016, alleging failure to comply with provisions of the Toxic Substances Control Act in violation of Section 409, 15 U.S.C. § 2689. The Complaint stated that Respondent was required to file a written response to the Complaint within thirty (30) days of receipt of the Complaint. The Complaint advised Respondent that failure to respond within thirty (30) days could result in a finding of default and assessment of a civil penalty in the amount of \$44,680 against Respondent pursuant to section 16 of the Toxic Substances Control Act, 42 U.S.C. § 2615.

To date, Respondent has failed to file its Answer. On March 28, 2018, Complainant moved for entry of a Default Order against Respondent pursuant to Sections 22.16(a) and 22.17(a) and (b) of the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination and Suspension of Permits (“Consolidated Rules of Practice”), 40 C.F.R. §§ 22.16(a) and 22.17(a) and (b). Respondent was afforded fifteen (15) days to respond to the Motion. 40 C.F.R. § 22.16(b). To date, Respondent has not filed a response to Complainant’s Motion for Default Order.

Section 22.17(a) of the Consolidated Rules of Practice provide that a “party may be found to be in default. . . after motion, upon failure to file a timely answer to the complaint.” Default by Respondent constitutes “an admission of all facts alleged in the complaint and a waiver of respondent’s right to contest such factual allegations,” thereby leaving Respondent

potentially liable for the entire proposed civil penalty if such Default decision is rendered. 40 C.F.R. § 22.17(a), (b) and (c).

Based on the foregoing, it is therefore ORDERED, that Respondent, Superior Restoration & Construction LLC, shall show cause, if any there be, why it failed to file both its Answer to the Complaint and a Response to the Motion for Default, and why it should not be found in default in this matter. **Respondent shall file its response to this Order on or before August 6, 2018 with the Regional Hearing Clerk.** The response must be addressed to:

Regional Hearing Clerk, Region 7  
United States Environmental Protection Agency  
11201 Renner Boulevard  
Lenexa, KS 66219

Dated: July 24, 2018

Karina Borromeo  
Karina Borromeo  
Presiding Officer/Regional Judicial Officer  
Region 7

IN THE MATTER OF Superior Restoration & Construction, LLC, Respondent  
Docket No. TSCA-07-2016-0017

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing Order to Respondent to Show Cause was sent this day to the following persons in the manner indicated:

By Hand Delivery

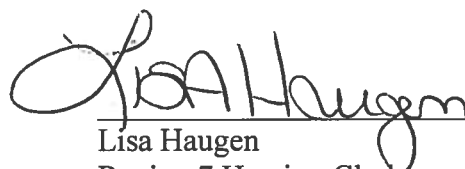
Jared Pesseto  
Assistant Regional Counsel  
United States Environmental Protection Agency, Region 7  
11201 Renner Boulevard  
Lenexa, KS 66219

By Certified Mail, Return Receipt Requested

Mr. Cory Poulsen  
Superior Restoration & Construction LLC  
23625 West 92<sup>nd</sup> Terrace  
Lenexa, KS 66227

Mr. Cory Poulsen  
Superior Restoration & Construction LLC  
7861 Mastin Drive  
Overland Park, KS 66204

Mr. Cory Poulsen  
Superior Restoration & Construction LLC  
14915 Evening Star Road  
Eudora, KS 66025-8359

 7/24/18  
\_\_\_\_\_  
Lisa Haugen  
Region 7 Hearing Clerk