



**UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
BEFORE THE ADMINISTRATOR**

In the Matter of:)
)
Detroit Renovations, LLC, and) **Docket No. TSCA-HQ-2018-5006**
Nicole Curtis,)
)
Respondents.)

ORDER TO RESPONDENTS TO SHOW CAUSE

On August 1, 2018, the Director of the Waste and Chemical Enforcement Division, Office of Civil Enforcement, Office of Enforcement and Compliance Assurance, of the U.S. Environmental Protection Agency (“Complainant”) commenced a civil administrative proceeding against Detroit Renovations, LLC, and Nicole Curtis (collectively, “Respondents”) with the filing of a Civil Complaint and Notice of Opportunity for Hearing (“Complaint”) pursuant to Section 16(a) of the Toxic Substances Control Act, 15 U.S.C. § 2615(a), and the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits (“Rules”), 40 C.F.R. Part 22.

On January 2, 2019, Respondents filed a document that was deemed to constitute their Answer by Notice dated February 19, 2019. Concurrent with the Notice, I issued a Prehearing Order establishing deadlines for the parties to engage in a prehearing exchange of information, which have been extended on multiple occasions. Complainant filed its Initial Prehearing Exchange on June 17, 2019. Thereafter, Complainant was granted leave to amend the Complaint to reduce the number of counts of alleged violation and reduce the proposed penalty, and it proceeded to file an Amended Civil Complaint and Notice of Opportunity for Hearing (“Amended Complaint”) on August 9, 2019. Respondents did not file an amended answer.

I subsequently issued a Supplementary Prehearing Order. Therein, based on representations by the parties concerning their efforts to settle this matter, I set October 25, 2019, as the deadline by which the parties were required to file any consent agreement and proposed final order with the Environmental Appeals Board (“Board”) for ratification and a concurrent notice of such filing with the Headquarters Hearing Clerk. I further directed that if the parties did not file a consent agreement and proposed final order with the Board on or before that date, the parties were required to prepare for hearing. I then set deadlines for the remaining items called for in the Prehearing Order. Specifically, I directed Respondents to file their Prehearing Exchange(s) on or before October 25, 2019, and Complainant to file its Rebuttal Prehearing Exchange on or before November 8, 2019.

To date, the parties have not filed any notice with the Headquarters Hearing Clerk of having filed a consent agreement and proposed final order with the Board for ratification, and on

November 7, 2019, counsel for Complainant confirmed to a staff attorney for this Tribunal that the parties' efforts to settle this matter had been unsuccessful. Consequently, Respondents were required to file their Prehearing Exchange(s) by October 25, 2019. However, to date, Respondents have failed to file either their Prehearing Exchange(s) or a motion seeking an extension of the filing deadline. Under the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits ("Rules of Practice"), a party may be found to be in default upon failure to comply with the prehearing exchange requirements set forth in the Rules of Practice or an order issued by the presiding Administrative Law Judge. 40 C.F.R. § 22.17(a). The Rule of Practice further provide that "[d]efault by respondent constitutes . . . an admission of all facts alleged in the complaint and a waiver of respondent's right to contest such factual allegations." *Id.* Therefore, Respondents are hereby ordered to file a document on or before **November 22, 2019**, explaining why they had **good cause** for failing to submit their Prehearing Exchange(s) as required by the Prehearing Order and Supplementary Prehearing Order, and why a default order should not be entered against them.

SO ORDERED.



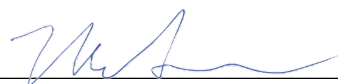
Susan L. Biro
Chief Administrative Law Judge

Dated: November 8, 2019
Washington, D.C.

In the Matter of *Detroit Renovations, LLC, and Nicole Curtis* Respondents.
Docket No. TSCA-HQ-2018-5006

CERTIFICATE OF SERVICE

I hereby certify that the foregoing **Order to Respondents to Show Cause**, dated November 8, 2019, and issued by Chief Administrative Law Judge Susan L. Biro, was sent this day to the following parties in the manner indicated below.



Mary Angeles
Paralegal Specialist

Original and One Copy by Personal Delivery to:

Mary Angeles, Headquarters Hearing Clerk
U.S. Environmental Protection Agency
Office of Administrative Law Judges
Ronald Reagan Building, Room M1200
1300 Pennsylvania Ave., NW
Washington, DC 20004

Copy by Electronic Mail to:

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Washington, D.C. 20460
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For Complainant

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For Complainant

Copy by Electronic and Regular Mail to:

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For Respondents

Dated: November 8, 2019
Washington, D.C.