

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY

BEFORE THE ADMINISTRATOR

IN THE MATTER OF)
)
 JACK FLETCHER) [SDWA VI] Docket No. C920016
)
 Respondent)

ORDER ON DEFAULT

On October 5, 1993, an Order Setting Prehearing Procedures was issued requiring that the parties file their prehearing exchanges by December 8, 1993. Complainant filed its prehearing exchange on December 7, 1993, but the Respondent has not to date submitted the required prehearing exchange.

On January 31, 1995, Complainant filed a Motion for Default because of the Respondent's failure to file a prehearing exchange as directed in the Order Setting Prehearing Procedures. The Respondent did not submit any opposition to the Motion for Default. On March 27, 1995, a second Motion for Default was filed by Complainant. The Presiding Judge, on May 15, 1995, issued an Order to Show Cause directing the Respondent to show, on or before June 30, 1995, why he did not comply with the prehearing exchange requirement and why the Motion for Default should not be granted.

Under Section 22.17(a) of the EPA Rules of Practice (Rules), 40 C.F.R. §22.17(a), a party may be found in default upon failure to comply with a prehearing order of the Presiding Judge. By not filing a prehearing exchange, Respondent has failed to comply with the October 5, 1993 Order Setting Prehearing Procedures.

Therefore, the issuance of this Order on Default is warranted, and the Complainant's Motion for Default Order is hereby granted. This Order on Default is being served by certified mail, return receipt requested.

Daniel M. Head
Administrative Law Judge

Dated: _____
Washington, D.C.

IN THE MATTER OF JACK FLETCHER, Respondent
Docket No. SDWA-C920016

CERTIFICATE OF SERVICE

I certify that the foregoing Default Order, dated, _____, was sent in the following manner to the addressees listed below:

Original by Pouch Mail to: Lorena S. Vaughn
Regional Hearing Clerk
U.S. EPA, Region VI
1445 Ross Ave.
Dallas, TX 75202-2733

Copy by Certified Mail to:

Counsel for Complainant: Pat Weatherly
Assistant Regional Counsel
U.S. EPA, Region VI
1445 Ross Ave.
Dallas, TX 75202-2733

Representative of Respondent: Mr. Jack Fletcher
Valley Lodge Club
P.O. Box #500
Simonton, Texas 77476

Aurora Jennings
Legal Staff Assistant
Office of Administrative
Law Judges
Environmental Protection Agency
Washington, DC 20460

Dated: _____
Washington, DC