



UNITED STATES  
 ENVIRONMENTAL PROTECTION AGENCY  
 REGION 6  
 DALLAS, TEXAS



IN THE MATTER OF: )  
 )  
 )  
 RASMUSSEN GROUP, INC. d/b/a )  
 CAPITAL STEEL AND IRON COMPANY ) DOCKET NO. EPCRA-06-2003-0502  
 OKLAHOMA CITY, OKLAHOMA )  
 )  
 RESPONDENT )  
 )

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**DEFAULT ORDER AND INITIAL DECISION**

On October 15, 2002, the Complainant filed a Complaint and Notice of Opportunity for Hearing (Complaint) against the Respondent, alleging violations of the Emergency Planning and Community Right-to-Know Act (ECPRA). The Complaint sought a civil penalty of \$9,350. No answer was filed by the Respondent. On April 9, 2003, the Presiding Officer issued an Order requiring EPA to file proof of service of the Complaint, and show cause, by April 28, 2003, why the Complaint should not be dismissed for lack of prosecution.

The Order to Show Cause was issued because almost six (6) months had passed since the Complaint was filed, and the Respondent had not filed an answer. However, the Complainant had not filed a motion for a default order. The Presiding Officer could not, *sua sponte*, find the Respondent in default for failing to file an answer. The Presiding Officer noted that unless some action was taken by the Complainant, this case could remain on his docket indefinitely. In



**CERTIFICATE OF SERVICE**

I hereby certify that on the \_\_\_\_\_ day of April, 2003, I served true and correct copies of the foregoing Default Order and Initial Decision on the following in the manner indicated below:

**CERTIFIED MAIL - RETURN RECEIPT REQUESTED \_\_\_\_\_**

Wayne Nyberg, President  
Capitol Steel and Iron Company  
5500 N.E. 22<sup>nd</sup> Street  
Des Moines, Iowa 50313

**CERTIFIED MAIL - RETURN RECEIPT REQUESTED \_\_\_\_\_**

Clerk of the Environmental  
Appeals Board (1103B)  
U.S. Environmental Protection Agency  
Ariel Rios Building  
1200 Pennsylvania Avenue, N.W.  
Washington, D.C. 20460-0001

**CERTIFIED MAIL - RETURN RECEIPT REQUESTED \_\_\_\_\_**

J.P. Suarez  
Assistant Administrator  
Office of Enforcement and Compliance  
Assurance (2201A)  
Ariel Rios Building  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, N.W.  
Washington, D.C. 20460

**INTEROFFICE MAIL**

Stan Lancaster  
EPCRA 313 Enforcement Officer  
Toxics Section (6PD-T)  
Multimedia Planning and Permitting  
Division  
U.S. EPA - Region 6  
1445 Ross Avenue  
Dallas, Texas 75202-2733

Richard Bartley, Chief  
Air/Toxics Enforcement Branch (6RC-EA)  
Office of Regional Counsel  
U.S. EPA - Region 6  
1445 Ross Avenue  
Dallas, Texas 75202-2733

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Lorena S. Vaughn  
Regional Hearing Clerk