

10/25/94

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D. C. 20460

IN THE MATTER OF

Sam Emani d/b/a Auto Stop of
Godby Road

Respondent


Dkt. No. CAA-IV-93-007

ORDER
PROVIDING FOR REOPENING AND FOR
COMPLAINANT'S STATEMENT OF EVALUATION OF
RESPONDENT'S ABILITY TO PAY

Pursuant to the Order entered herein on August 31, 1994, this matter is hereby reopened, and the effect of that Order stayed pursuant to Respondent Sam Emani's oral petition, for the purpose of determining the appropriate penalty to be assessed for violations found pursuant to complainant's motion for "accelerated decision."

Despite the apparent failure or refusal of Respondent Sam Emani to provide tax returns without threat of imposition of the full proposed penalty, and the difficulty of the parties in discussing settlement of the penalty issue, Respondent's plea of inability to pay may now be assessed to some extent owing to Respondent having furnished federal income tax returns for the years indicated in the August 31, 1994, Order.

Counsel for complainant shall file a statement which sets forth its evaluation of Respondent's tax returns and ability to pay the civil penalty proposed in the complaint within fourteen (14) days of the date of this Order. Thereafter, Respondent will be given an opportunity to respond to Complainant's evaluation.


J. F. Greene
Administrative Law Judge

Dated: October 25, 1994
Washington, D.C.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, DC 20460

OFFICE OF
THE ADMINISTRATIVE
LAW JUDGE

Ms. Julia Mooney
Regional Hearing Clerk
Region IV - EPA
345 Courtland Street N.E.
Atlanta, GA 30365

**SUBJECT: Sam Emani d/b/a Auto Stop of Godby Road
Docket Number: CAA-IV-93-007**

Dear Ms. Mooney:

Enclosed for distribution in accordance with 40 C.F.R. 22.27(a) are five copies of the Order Granting "Accelerated" Decision as to Penalty in the above captioned matter. A certificate of service showing service upon the parties shall be sent to the Hearing Clerk, U. S. EPA, Headquarters.

The original has been hand-delivered to the Hearing Clerk, but it will be necessary for you to forward your files to the Headquarters Hearing Clerk.

Shirley Smith

Shirley Smith
Legal Staff Assistant
to Judge J. F. Greene

Dated: September 7, 1994
Washington, D.C.