

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 6
DALLAS, TEXAS

FILED
2011 JAN 18 PM 10:49
REGIONAL HEARING CLERK
EPA REGION VI

In the Matter of:)
)
J & B Oil, LLC,) CWA-06-2010-1834
)
Respondent.)

ORDER TO FILE STATUS REPORT

This action, initiated by the Complainant, the Director of the Compliance Assurance and Enforcement Division, Environmental Protection Agency, Region 6, seeks to assess a Class I administrative penalty under Section 309(g) of the Clean Water Act ("CWA"), 33 U.S.C. § 1319(g). Class I penalty actions are governed by the procedures set forth in 40 C.F.R. Part 22, Subpart I, Administrative Proceedings Not Governed by Section 554 of the Administrative Procedure Act. I have been assigned to act as Presiding Officer in this case.

Complainant filed the Administrative Complaint ("Complaint") in this matter on September 28, 2010. A copy of a United States mail return receipt, commonly referred to as a "green card," was filed with the Regional Hearing Clerk indicates that the Complaint was served on the Respondent on September 30, 2010, making the apparent due date for Respondent's answer November 1, 2010. As of the date of this order, Respondent has not filed an answer to the Complaint. The Regional Hearing Clerk's file in this case contains no other filings. After giving consideration to the entire record in this case and to the Presiding Officer's responsibility to avoid delay in these proceedings,

IT IS ORDERED:

On or before **February 15, 2011**, Complainant shall file a report on the status of this matter, including, at a minimum, (1) a statement concerning whether the Complainant intends to file a motion for default and, if applicable, the date Complainant intends to file its motion; (2) if Complainant does not intend to file a motion for default, Complainant's position concerning an extension of the due date for Respondent's answer; (3) a summary of recent contacts between the parties (without disclosing the substance of settlement negotiations); (4) an assessment of whether this matter is likely to be settled; and (5) if applicable, a projected date for the filing of a consent agreement and final order.

It is so ordered, this 18th day of January 2011.



MICHAEL C. BARRA
REGIONAL JUDICIAL OFFICER

CERTIFICATE OF SERVICE

I, Lorena S. Vaughn, the Regional Hearing Clerk for the Region 6 office of the Environmental Protection Agency, hereby certify that a TRUE AND CORRECT copy of the Order to File Status Report in Docket No. Class I - CWA 06-2010-1834, was served upon the parties on the date and in the manner set forth below:

Jerry Smith
J & B Oil, LLC
101 E. 13th Street
Smackover, AR 71762

U.S. FIRST CLASS MAIL -
RETURN RECEIPT REQUESTED

Efren Ordonez
Environmental Protection Agency
1445 Ross Avenue
Dallas, Texas 75202

INTEROFFICE MAIL

DATE:

1-18-11



Lorena S. Vaughn
Regional Hearing Clerk