

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8

1595 WYNKOOP STREET

DENVER, CO 80202-1129

Phone 800-227-8917

<http://www.epa.gov/region08>

2014 JAN -8 AM 11:47

FILED
EPA REGION VIII
HEARING CLERK

DOCKET NO.: RCRA-08-2012-0003

IN THE MATTER OF:)
)
Margaret Eagle, Owner/Operator)
Belle Isle Store)
818 Belle Isle Street)
St. Michael, ND 58370)
)
Respondent.)
_____)

ORDER TO FILE STATUS REPORT

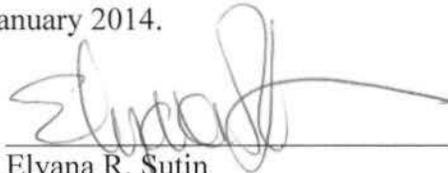
This action, initiated by the Complainant, the Director of the Technical Enforcement Program in conjunction with the Legal Enforcement Program of the Office of Enforcement, Compliance, and Environmental Justice, United States Environmental Protection Agency Region 8, seeks to assess a civil administrative penalty under Section 9006 of the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. § 6991e. Administrative penalty actions are governed by procedures set forth in the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties, Issuance of Compliance or Corrective Action Orders, and the Revocation, Termination or Suspension of Permits. *See* 40 C.F.R. Part 22.

Complainant filed the Administrative Complaint ("Complaint") in this action on June 15, 2012. A United States mail return receipt, commonly referred to as a "green card," filed with the Regional Hearing Clerk indicates that the Complaint was served on Margaret Eagle on June 19, 2012. Therefore, the apparent due date for Respondent's answer was approximately July 19, 2012. The Regional Hearing Clerk's file in this case contains no other filings. After considering the record in this matter as well as the Presiding Officer's responsibility to avoid delay in these proceedings, it is ordered that the parties shall comply with the following measures for the orderly and efficient conduct of these proceedings:

On or before January 31, 2014, Complainant shall file a report on the status of this matter, including, at a minimum: (1) a statement concerning whether Complainant intends to file a motion for default and, if applicable, the date Complainant expects to file its motion; 2) if Complainant does not intend to file a motion for default, its position on any further action in this matter; 3) a summary of recent contacts between the parties

(without disclosing the substance of settlement negotiations); 4) an assessment of whether settlement of this matter appears likely; 5) a statement concerning whether a settlement in principle has been reached; and, 6) if applicable, a projected date for the filing of a Consent Agreement and Final Order.

SO ORDERED, this 8th day of January 2014.

A handwritten signature in black ink, appearing to read 'Elyana R. Sutin', written over a horizontal line.

Elyana R. Sutin
Regional Judicial Officer
U.S. EPA, Region 8

CERTIFICATE OF SERVICE

The undersigned certifies that the original of the attached **ORDER TO FILE STATUS REPORT** in the matter of **MARGARET EAGLE, OWNER/OPERATOR BELLE ISLE STORE; DOCKET NO.: RCRA-08-2012-0003** was filed with the Regional Hearing Clerk on January 8, 2014.

Further, the undersigned certifies that a true and correct copy of the document was delivered via email to Amy Swanson, Senior Enforcement Attorney, U. S. EPA – Region 8, 1595 Wynkoop Street, Denver, CO 80202-1129. True and correct copies of the aforementioned documents were placed in the United States mail certified/return receipt requested on January 8, 2014, to:

Margaret Eagle, Owner/Operator
Belle Isle Store
P. O. Box 180
St. Michael, ND 58370

Emailed to:

Honorable Elyana R. Sutin, Regional Judicial Officer
U. S. Environmental Protection Agency
1595 Wynkoop Street (8RC)
Denver, CO 80202

January 8, 2014



Tina Artemis
Paralegal/Regional Hearing Clerk

