



UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY

BEFORE THE ADMINISTRATOR

U.S. ENVIRONMENTAL
PROTECTION AGENCY-REGIONAL
2010 JUN 10 AM 11:56
REGIONAL HEARINGS
CLERK

IN THE MATTER OF)
)
FELIX AYALA and SILVETTE AYALA) DOCKET NO. CWA-02-2009-3451
d/b/a CANTERA EL ROBLE)
)
)
RESPONDENTS)

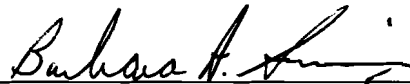
JOINT ORDER TO SHOW CAUSE

By Order dated April 26, 2010, Respondents were required to file a statement, on or before May 12, 2010, clarifying their position as to whether a hearing before an Administrative Law Judge is requested. The Order also directed that the parties hold a settlement conference on or before May 19, 2010, and that Complainant file a status report, on or before May 28, 2010, regarding this conference and the status of settlement in this matter. The file before me reflects that the parties have failed to comply with these requirements and that neither Respondents nor Complainant have filed a motion for an extension of the filing deadlines.^{1/}

Under Section 22.17(a) of the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits, 40 C.F.R. § 22.17(a), a party may be found to be in default upon failure to comply with an order of the Administrative Law Judge. Default by complainant shall result in the dismissal of the complaint with prejudice. Therefore, the parties are ordered to show cause, if any, on or before **June 25, 2010**, why they failed to meet the filing

^{1/} As a courtesy, on June 3 and 7, 2010, prior to issuing this Order, the office of the undersigned contacted Complainant by telephone to inquire as to the unfiled status report. To date, Complainant has not responded to these phone calls.

deadlines set by the Order of April 26, 2010, and why a default order should not be entered and/or the Complaint should not be dismissed.



Barbara A. Gunning
Administrative Law Judge

Dated: June 9, 2010
Washington, DC

**In the Matter of *Felix Ayala and Silvette Ayala d/b/a Cantera El Roble*, Respondents.
Docket No. CWA-02-2009-3451**

CERTIFICATE OF SERVICE

I hereby certify that the foregoing **Joint Order to Show Cause**, dated June 9, 2010, was sent this day in the following manner to the addressees listed below.



Mary Angeles
Legal Staff Assistant

Original and One Copy by Pouch Mail to:

Karen Maples
Regional Hearing Clerk
US EPA, Region II
290 Broadway, 16th Floor
New York, NY 10007-1866

Copy by Facsimile and Pouch Mail to:

Carolina Jordán Garcia, Esq.
Assistant Regional Counsel (3LC26)
ORC, U.S. EPA / Caribbean Field Div.
Centro Europa Building, Suite 417
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Copy by Certified Return Receipt and Regular Mail to:
[CRR No. 7005 0390 0002 5028 8504]

Lcda. Janelle Falcon Verdejo
Legal Counsel
License No. 16906
Calle 18 N19 Toa Alta Heights
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**Dated: June 9, 2010
Washington, D.C.**