



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

1595 Wynkoop Street
DENVER, CO 80202-1129
Phone 800-227-8917
<http://www.epa.gov/region08>

2014 AUG 19 PM 1:40

EPA REGION VIII
HEARING CTR FRK

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

DOCKET NO.: RCRA-08-2012-0003

ORDER TO FILE SECOND 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.

On January 8, 2014, I issued an Order to File Status Report in which Complainant was asked to file a report on or before January 31, 2014. On February 3, 2014, Complainant filed Complainant's Status Report indicating that the Agency was waiting for an update from the State of North Dakota Department of Health on the status of pulling the underground storage tank (UST) subject to this action. In addition, the Agency was planning to inspect the facility in April, 2014. Since February, Complainant has not provided any additional information regarding this matter.

It is the Presiding Officer's responsibility to avoid delay in these proceedings and, in so doing, I request Complainant file a second status report indicating the Complainant's intentions regarding resolution of this action. A second status report shall be filed on or before **September 9, 2014**.

SO ORDERED, this 19th day of August, 2014.

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 SECOND 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 August 19, 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 August 19, 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

August 19, 2014



Tina Artemis
Paralegal/Regional Hearing Clerk

