



UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY

BEFORE THE ADMINISTRATOR

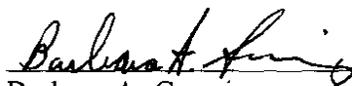
2009 MAY 29 PM 2:43
HEARING CLERK
EPA REGION IV

IN THE MATTER OF)
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)
RODNEY O. CORR,) DOCKET NO. CWA-04-2008-5508
)
)
RESPONDENT)

ORDER TO SHOW CAUSE

The file before me reflects that Respondent has failed to file either his prehearing exchange or statement of election only to conduct cross-examination of Complainant's witnesses as his manner of defense on or before May 21, 2009, as required by the Administrative Law Judge's Prehearing Order dated March 4, 2009, and that Respondent has not filed a motion for an extension of the filing deadline.^{1/} Complainant timely filed its prehearing exchange.

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 the information exchange requirements of Section 22.19(a) of the Rules of Practice, 40 C.F.R. § 22.19(a), or an order of the Administrative Law Judge. Therefore, Respondent is ordered to show cause, if any, on or before **June 12, 2009**, why Respondent failed to meet the May 21, 2009, filing deadline and why a default order should not be entered for failing to meet this deadline.


Barbara A. Gunning
Administrative Law Judge

Dated: May 27, 2009
Washington, DC

^{1/} This Tribunal received a letter from Respondent, dated February 25, 2009, asserting that the EPA does not have jurisdiction over this matter and denying the allegations set forth in the Complaint. However, this letter does not meet the requirements of the Prehearing Order which directed Respondent to submit (a) the names of any expert or other witnesses it intends to call at the hearing, together with a brief narrative summary of the each witness' expected testimony, or a statement that no witnesses will be called; and (b) copies of all documents and exhibits which Respondent intends to introduce into evidence at the hearing; and (c) a statement expressing its view as to the place for the hearing and the estimated amount of time needed to present its direct case.

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Copy by Certified Return Receipt and Regular Mail to:

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Dated: May 27, 2009
Washington, D.C.