



UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
BEFORE THE ADMINISTRATOR

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REGIONAL HEARING CLERK
U.S. ENVIRONMENTAL
PROTECTION AGENCY

IN THE MATTER OF)

MR. ALLEN BARRY,)

MR. TIM BARRY)

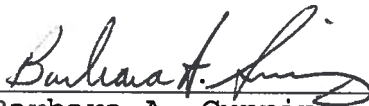
d/b/a ALLEN BARRY LIVESTOCK,)

RESPONDENTS)

)
)
)
) Docket No. CWA-05-2010-0008
)
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)
)

ORDER DISMISSING MOTION TO SET ASIDE
DEFAULT ORDER AND INITIAL DECISION

Respondents' Motion to Set Aside Default Order and Initial Decision, filed with the undersigned, is dismissed for lack of jurisdiction.¹ 40 C.F.R. §§ 22.30(b)-(f), 22.31-22.32.


Barbara A. Gunning
Administrative Law Judge

Dated: November 2, 2011
Washington, D.C.

¹ On October 27, 2011, the Environmental Appeals Board issued a final order in this matter captioned "Order Electing to Exercise Sua Sponte Review and Penalty Order." 40 C.F.R. §§ 22.27(c)(4), 22.30(b)-(f); 22.31(a).

**In the Matter of Mr. Allen Barry, Mr. Tim Barry d/b/a Allen Barry Livestock, Respondent.
Docket No. CWA-05-2010-0008**

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing **Order Dismissing Motion to Set Aside Default Order and Initial Decision**, issued by Administrative Law Judge Barbara A. Gunning, dated November 2, 2011, were sent on this 3rd day of November 2011, in the following manner to the addressees listed below.



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Legal Staff Assistant

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Eurika Durr
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Washington, DC 20005

**Dated: November 3, 2011
Washington, DC**