

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5

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In the Matter of:)
) Docket No. SDWA-05-2010-0001
Robert Christensen,)
d/b/a Bob's Repair)
)
Respondent.)
_____)

ORDER TO SHOW CAUSE

Complainant, the Director of the Water Division, U.S. Environmental Protection Agency (EPA) Region 5, has moved for entry of a Default Order against Respondent, Robert Christensen, d/b/a Bob's Repair, for his failure to file an answer in this matter.

Complainant initiated this administrative action on September 17, 2010, alleging that Respondent violated the requirements of the applicable Underground Injection Control (UIC) program for the State of Minnesota, as promulgated pursuant to section 1421 of the Safe Drinking Water Act, 42 U.S.C. § 300h. Specifically, Complainant alleges that Respondent failed to close a motor vehicle waste disposal well (MVWDW) he owned by January 1, 2007, or obtain a permit to operate it. Complainant requests the Presiding Officer assess a civil penalty against Respondent in the amount of \$3,600 and order Respondent to take all actions reasonable and necessary to assure full compliance with the UIC regulations, including, but not limited to, permanently closing the MVWDW at his facility. To date, Respondent has not filed an answer in this matter.

This proceeding is governed by the Consolidated Rules of Practice, 40 C.F.R. Part 22. Section 22.17(a) of the Consolidated Rules provides in part:

(a) *Default.* A party may be found to be in default: after motion, upon failure to file a timely answer to the complaint. . . . Default by respondent constitutes, for purposes of the pending proceeding only, an admission of all facts alleged in the complaint and a waiver of respondent's right to contest such factual allegations. . . .

(c) *Default order.* When the Presiding Officer finds that a default has occurred, he shall issue a default order against the defaulting party as to any or all parts of the proceeding unless the record shows good cause why a default order should not be issued. If the order resolves all outstanding issues and claims in the proceeding, it shall constitute the initial decision under these Consolidated Rules of Practice. The relief proposed in the complaint or in the motion for default shall be ordered unless the requested relief is clearly inconsistent with the record of the proceeding or the Act.

In view of the gravity and consequences of a default, Respondent Robert Christensen is ORDERED, on or before **May 10, 2011**, to show cause why he should not be held in default and to answer the Complaint. Respondent should state for the record what "good cause" exists, if any, for his failure to respond to the Complaint. **Failure on the part of Respondent to file a timely response to this Order could subject him to the assessment of the full amount of the proposed civil penalty of \$3,600.**

SO ORDERED.

Dated: April 26, 2011

A handwritten signature in cursive script that reads "Marcy A. Toney". The signature is written in black ink and is positioned above the printed name and title.

Marcy A. Toney
Regional Judicial Officer

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Docket No. SDWA-05-2010-0001

CERTIFICATE OF SERVICE

I certify that the foregoing Order to Show Cause, dated April 26, 2011, was sent this day in the following manner:

Original hand delivered to:

Regional Hearing Clerk
U.S. Environmental Protection
Agency, Region 5
77 West Jackson Boulevard
Chicago, IL 60604-3590

Copy hand delivered to
Attorney for Complainant:

Robert S. Guenther
U. S. Environmental Protection
Agency, Region 5
Office of Regional Counsel
77 West Jackson Boulevard
Chicago, IL 60604-3590

Copy by U.S. Certified Mail
Return Receipt Requested to:

Robert Christensen
1014 3d Avenue, NE
Brainerd, Minnesota 56401

Dated: 4/26/11

By: 
Darlene Weatherspoon
Administrative Assistant