



UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY

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BEFORE THE ADMINISTRATOR

IN THE MATTER OF)
)
METRO METALS CORP., and) DOCKET NO. RCRA-10-2011-0040
AVISTA RECYCLING, INC.,)
)
RESPONDENTS)

ORDER TO SHOW CAUSE

As you previously have been notified, I have been designated by the June 28, 2011, Order of the Chief Administrative Law Judge to preside in the above-captioned matter. This proceeding arises under the authority of Section 3008(a) of the Solid Waste Disposal Act, as amended, commonly referred to as the Resource Conservation and Recovery Act of 1976, as amended by the Hazardous and Solid Waste Amendments of 1984 (collectively referred to as RCRA ("RCRA"), 42 U.S.C. § 6928(a)). In the Complaint, Complainant seeks a civil administrative penalty against Respondents and a Compliance Order.

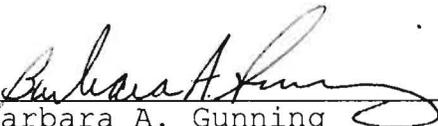
A Prehearing Order ("PHO") was issued on July 1, 2011, setting forth a schedule for the parties' information exchange with which the parties were instructed to comply strictly. As noted in the PHO, the requirements applied only to Complainant and the answering party Avista Recycling, Inc. ("Respondent Avista" or "Avista"). Complainant's initial prehearing exchange was due on or before August 5, 2011, and Respondent Avista's initial prehearing exchange was due on or before September 6, 2011.

In accordance with the PHO, Complainant submitted its initial prehearing exchange information on August 5, 2011. The file before me reflects that as of September 21, 2011, Respondent Avista has failed to file either a prehearing exchange or a statement electing only to conduct cross-examination of Complainant's witnesses as its manner of defense, as required by the PHO. Moreover, Respondent Avista has not filed any motion for an extension of the filing deadline.

Under Section 22.17(a) of the Rules of Practice, 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 Avista is **ordered to show cause**, if any, on or before **October 11, 2011**, why it failed to meet the filing deadline set by the PHO and why a default order should not be entered for failing to meet this deadline.


Barbara A. Gunning
Administrative Law Judge

Dated: September 21, 2011
Washington, D.C.

**In the Matter of Metro Metals Corp., and Avista Recycling, Inc., Respondents.
Docket No. RCRA-10-2011-0040**

CERTIFICATE OF SERVICE

I hereby certify that true copies of this **Order to Show Cause**, issued by Barbara A. Gunning, Administrative Law Judge, in Docket No. RCRA-10-2011-0040, were sent to the following parties on this 21st day of September 2011, in the manner indicated:



Mary Angeles
Legal Staff Assistant

Original and One Copy by Pouch Mail to:

Carol Kennedy
Regional Hearing Clerk
U.S. EPA, Region X
1200 Sixth Avenue, ORC-158
Seattle, WA 98101

Copy by Pouch Mail to:

Shirin Venus, Esq.
Assistant Regional Counsel
U.S. EPA, Region X
1200 Sixth Avenue, ORC-158
Seattle, WA 98101

Copy by Certified and Regular Mail to:

David M. Anderson, Esq.
Mahoney Anderson, LLC
P.O. Box 44504
Eden Prairie, MN 55344

John Nordwall, Esq.
Avista Recycling, Inc.
7900 Excelsior Blvd.
Ste. 700
Hopkins, MN 55343

**Dated: September 21, 2011
Washington, DC**