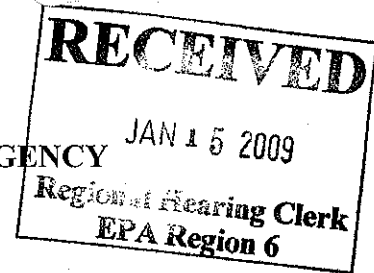


UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 6
DALLAS, TEXAS



IN THE MATTER OF:)
)
Rocking BS Ranch, Inc.,) Docket No. CWA-06-2007-1974
)
)
Respondent.)

ORDER TO FILE STATUS REPORT

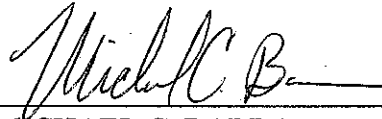
This action, initiated by the Complainant, the Director of the Compliance Assurance and Enforcement Division, United States Environmental Protection Agency Region 6, seeks to assess a Class I administrative penalty under Section 309(g) of the Clean Water Act, 33 U.S.C. § 1319(g). Class I penalty actions are governed by procedures set forth in the revised rules for non-Administrative Procedures Act (non-APA) cases. *See* 40 C.F.R. Part 22, Subpart I. I have been assigned to act as Presiding Officer in this case.

Complainant filed the Administrative Complaint ("Complaint") in this action on September 24, 2007. A United States mail return receipt, commonly referred to as a "green card," filed with the Regional Hearing Clerk indicates that the Complaint was served on the Respondent, Rocking BS Ranch, Inc., on October 2, 2007, making the apparent due date for Respondent's answer November 1, 2007. As of the date of this Order, Respondent has not filed an answer to the Complaint. Complainant filed an Amended Administrative Complaint ("Amended Complaint") on December 5, 2007. A United States mail return receipt, commonly referred to as a "green card," filed with the Regional Hearing Clerk indicates that the Amended Complaint was served on the Respondent on December 11, 2007, making the apparent due date for Respondent's answer to the Amended Complaint December 31, 2007. As of the date of this Order, Respondent has not filed an answer to the Amended Complaint. On June 20, 2008, Complainant filed a Status Report which reported that the parties had been involved in settlement negotiations, but Complainant intended to file a motion for default within 60 days. The Regional Hearing Clerk's file in this case contains no other filings. After giving consideration to the entire record in this matter and to the Presiding Officer's responsibility to avoid delay in these proceedings, it is ordered that the parties shall comply with following measures for the orderly and efficient conduct of these proceedings:

On or before **February 12, 2009**, Complainant shall file a report on the status of this matter, including, at a minimum: (1) a statement concerning whether Complainant still intends to file a motion for default and, if applicable, the date Complainant expects to file its motion; 2) if Complainant does not intend to file a motion for default, its position concerning an extension of the due date for Respondent's answer; 3) a summary of recent contacts between the parties (without disclosing the substance of settlement

negotiations); 4) an assessment of whether settlement of this matter appears likely; 5) a statement of whether a settlement in principle has been reached; and 6) if applicable, a projected date for the filing of a Consent Agreement and Final Order.

SO ORDERED, this 15th day of January 2009.

A handwritten signature in cursive script, reading "Michael C. Barra", written over a horizontal line.

MICHAEL C. BARRA
REGIONAL JUDICIAL OFFICER

CERTIFICATE OF SERVICE

I, Lorena S. Vaughn, the Regional Hearing Clerk for Region 6 of the Environmental Protection Agency, hereby certify that a true and correct copy of the Order to File Status Report in Docket No. Class I - CWA 06-2007-1974, was served upon the parties or their counsel of record on the date and in the manner set forth below:

Bert Bishop
Rocking BS Ranch

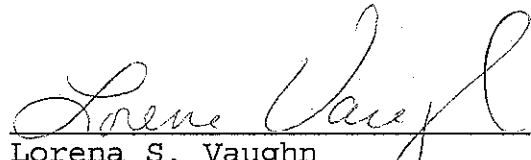
U.S. FIRST CLASS MAIL
RETURN RECEIPT REQUESTED

8644 East 127th
Wetumka, Oklahoma 74883

Ellen Chang-Vaughan
U.S. Environmental Protection Agency
1445 Ross Avenue
Dallas, Texas 75202

HAND DELIVERED

DATE: 1-15-09


Lorena S. Vaughn
Regional Hearing Clerk

7005 1820 0003 7457 4555

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