

**BEFORE THE
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4**

RECEIVED
EPA REGION 4
2010 JUL 29 PM 1:02
HEARING CLERK

IN THE MATTER OF:)	RCRA-UST-04-2010-0001
)	
Donald F. Strickland)	Proceeding under Section 9006
2425 Legion Road)	of the Resource Conservation
Fayetteville, North Carolina 28306)	and Recovery Act, as amended,
)	42 U.S.C. § 6991e
RESPONDENT.)	
_____)	

STATUS UPDATE

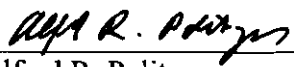
On May 27, 2010, the undersigned filed a Motion for Default on behalf of Complainant, Director of the Resource Conservation and Recovery Act Division of the US Environmental Protection Agency Region 4 in the above styled matter. A copy of the filed Motion for Default was sent to Respondent via first class certified mail, return receipt requested, on May 27, 2010.

Pursuant to the requirements set forth in 40 CFR § 22.7(a) regarding computation of time, Respondent was required to file a response to Complainant's Motion for Default by June 16, 2010. However, Respondent did not file a response to Complainant's May 27, 2010 Motion for Default. On or about July 7, 2010, the US Postal Service returned to the undersigned the copy of the Motion for Default that was sent to Respondent on May 27, 2010, as "unclaimed" mail.¹

On July 15, 2010, the undersigned re-sent Respondent the returned unclaimed copy of the May 27, 2010 cover letter and Motion for Default via commercial overnight delivery.² However, on July 16, 2010, the receiver refused the delivery, and the cover letter and Motion for Default were returned to the undersigned on July 22, 2010.

Complainant therefore respectfully renews its request that Complainant's May 27, 2010 Motion for Default be granted and that the Presiding Officer issue a default order against Respondent pursuant to 40 CFR § 22.17(c).

Date: July 29, 2010



Alfred R. Politzer
Counsel for Complainant

¹ The Motion for Default was sent to Respondent at the same address of record at which Respondent has previously signed for and accepted certified mail in this matter.

² The Motion for Default was re-sent to Respondent at the same address of record at which Respondent has previously signed for and accepted certified mail in this matter.

Return Receipt Requested


Donald F. Strickland
2425 Legion Road
Fayetteville, North Carolina 28306

I further certify that the Status Update was filed this day, July 29, 2010,
with the Region 4 Regional Hearing Clerk, as specified below:

Hand Delivery – Original and one copy

Patricia Bullock
Regional Hearing Clerk
US Environmental Protection Agency, Region 4
61 Forsyth St, S.W.
Atlanta, Georgia 30303

July 29, 2010



Alfred Politzer
Assistant Regional Counsel
US Environmental Protection Agency, Region 4
Office of Environmental Accountability
61 Forsyth St, S.W.
Atlanta, Georgia 30303