

UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY  
REGION 6  
DALLAS, TEXAS

FILED  
2010 SEP 27 PM 2: 55  
REGIONAL HEARING CLERK  
EPA REGION VI

In the Matter of: )  
)  
Falcons Nest, ) SDWA-06-2009-1247  
)  
Respondent. )

**ORDER TO FILE STATUS REPORT**

This action, initiated by the Complainant, the Director of the Compliance Assurance and Enforcement Division, Environmental Protection Agency, Region 6, seeks to assess an administrative penalty under Section 1414(g) of the Safe Drinking Water Act ("SDWA"), 42 U.S.C. § 300g-3(g). Actions for the assessment of a civil penalty under Section 1414(g) of the SDWA are governed by the procedures set forth in 40 C.F.R. Part 22, Subpart I, Administrative Proceedings Not Governed by Section 554 of the Administrative Procedure Act, unless the Respondent requests a hearing on the record. I have been assigned to act as Presiding Officer in this case.

Complainant filed the Complaint and Notice of Opportunity for Hearing ("Complaint") in this matter on October 8, 2009. The Certificate of Service accompanying the Complaint certifies the Complaint was mailed to the Respondent by certified mail, return receipt requested, on October 8, 2009. The Regional Hearing Clerk's file in this case contains no other filings. After giving consideration to the entire record in this case and to the Presiding Officer's responsibility to avoid delay in these proceedings,

**IT IS ORDERED:**

1. On or before **October 25, 2010**, Complainant shall file a report on the status of this matter, including, at a minimum, (1) a statement concerning whether the Complainant has been successful in completing service of the Complaint on the Respondent; (2) if Complainant has not been successful in completing service on the Respondent, Complainant's plan for completing service or otherwise bringing this case to conclusion; and (3) if Complainant has been successful in completing service on the Respondent, the date and method of service and the nature of the documentation establishing service, a statement concerning Complainant's intention to file a motion for default and, if applicable, the date Complainant expects to file its motion, a summary of recent contacts between the parties (without disclosing the substance of settlement negotiations), an assessment of whether this matter is likely to be settled, and, if applicable, a projected date for the filing of a consent agreement and final order.
2. If Complainant has a return receipt (green card) or other documentation showing that the

Complaint was successfully delivered to the Respondent, Complainant shall file such documentation with the Regional Hearing Clerk on or before **October 25, 2010**.

It is so ordered this 27<sup>th</sup> day of September 2010.



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MICHAEL C. BARRA  
REGIONAL JUDICIAL OFFICER

CERTIFICATE OF SERVICE

I, Lorena S. Vaughn, the Regional Hearing Clerk, do hereby certify that a true and correct copy of the Order to File Status Report for SDWA 06-2009-1247 was provided to the following on the date and in the manner stated below:

Carol Short, Owner  
Falcon's Nest Water System  
1406 E. 6<sup>th</sup> Street  
Stillwater, OK 74074

CERTIFIED MAIL

Shannon Vallance  
U.S. Environmental Protection Agency  
1445 Ross Avenue  
Dallas, Texas 75202

INTEROFFICE MAIL



Lorena S. Vaughn  
Regional Hearing Clerk

9-27-10  
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Date