

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4

IN THE MATTER OF:)
) DOCKET NO.: CWA-04-2009-5502
PAMELA L. LONG)
GULF BREEZE, FLORIDA)
)
Respondent.)
_____)

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EPA REGION 4
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ORDER FOR COMPLAINANT TO CLARIFY RESPONDENT'S ADDRESS FOR SERVICE

Pursuant to an Order to Complete Service, on November 16, 2010, Complainant hand-delivered to the undersigned copies of the Exhibits referenced in Complainant's Brief in Support of Motion for Default (Brief). Review of Complainant's Brief in conjunction with the Exhibits, particularly Exhibit 7 referenced on page 4 of the Brief, raises issues pertaining to service of Complainant's Motion for Default (Motion).

Complainant first attempted to originate this matter on March 6, 2009, by sending a copy of the Administrative Complaint to the Respondent at 1206 Soundview Trail, Gulf Breeze, Florida 32561. However, due to what Complainant states were "procedural concerns," Complainant re-filed the Administrative Complaint (Complaint) on May 7, 2009, and attempted to serve the newly filed Complaint upon Respondent by mailing it Certified Mail-Return Receipt Requested to the same Soundview Trail address. The record reflects that the document was returned "unclaimed." However, some months thereafter, on July 26, 2009, the Complaint was effectively served upon Respondent, via hand-delivery, by EPA Special Agent R. Knight, at 1247 Ramblewood Drive, Gulf Breeze, Florida 32561. Pursuant to the email message attached to the Certificate of Service, also contained at Exhibit 7, Mr. Knight writes, "LONG's current physical address is 1247 Ramblewood Drive, Gulf Breeze, Florida 32561." Notwithstanding this

information, Complainant subsequently served the Motion for Default, as well as all other filings, upon Respondent at the 1206 Soundview Trail address.¹

The Consolidated Rules place the burden on parties to file any *changes* of address for receipt of service. Section 22.5(c)(4) of the Consolidated Rules of Practice, 40 C.F.R. § 22.5(c)(4), provides:

"The first document filed by any person shall contain the name, address, and telephone number of an individual authorized to receive service relating to the proceeding. Parties shall promptly file any changes in this information with the Regional Hearing Clerk, and serve copies on the Presiding Officer and all parties to the proceeding. If a party fails to furnish such information and any changes thereto, service to the party's last known address shall satisfy the requirements of paragraph (b)(2) of this section and § 22.6."

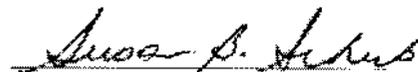
However, this matter, initiated with the filing of the May 7, 2009, Complaint², was hand-delivered to Respondent at 1247 Ramblewood Drive, and accepted by her at that address. Therefore, it is unclear why Complainant mailed the Motion and subsequent filings to Respondent at the Soundview Trail address. A response to the Motion has not been filed.

IT IS ORDERED:

On or before **November 30, 2010**, Complainant is to provide in writing

- a) the address it deems correct for service upon Respondent in this proceeding; and
- b) an explanation of why it did not continue to use the Ramblewood Drive address for service of the Motion and other filings, after serving the Complaint at that address.

Dated: 11/18/2010


Susan B. Schub
Presiding Officer

¹ In reliance upon that being Respondent's correct address for service, all Orders issued by the undersigned were mailed to Respondent at the 1206 Soundview Trail address. One such Order has since been returned with a postal service label indicating that the forwarding time is expired. This Order will be mailed to Respondent at both the Soundview Trail and Ramblewood Drive addresses.

² See 40 C.F.R. § 22.13(a)

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true and correct copy of the foregoing Order for Complainant to Clarify Respondent's Address for Service, in the Matter of Pamela L. Long, Docket No., CWA-04-2009-5502, on the parties listed below in the manner indicated:

Certified Mail –

Return Receipt Requested:

Pamela L. Long
1206 Soundview Trail
Gulf Breeze, Florida 32561

Pamela L. Long
1247 Ramblewood Drive,
Gulf Breeze, Florida 32561

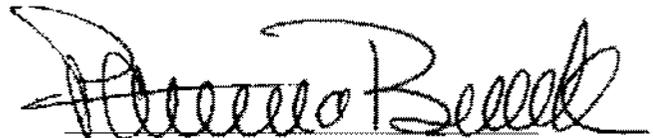
Mr. Jim Stoutamire
Florida Department of Environmental Protection
Twin Towers Building
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

Via Intra-Office Mail:

Kevin Smith, Esq.
Senior Attorney
U.S. Environmental Protection Agency
Region 4
61 Forsyth Street, S.W.
Atlanta, Georgia 30303

Laurie Lindquist
Wetlands Enforcement Section
U.S. Environmental Protection Agency, Region 4
61 Forsyth Street, SW
Atlanta, Georgia 30303

Date: 11-19-10



Patricia A. Bullock
Regional Hearing Clerk
U.S. Environmental Protection
Agency, Region 4
61 Forsyth Street, S.W.
Atlanta, GA 30303
404/562-9511