

RECEIVED

00 OCT -5 PM 3:46

HEARINGS CLERK  
EPA--REGION 10

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

BEFORE THE ADMINISTRATOR

IN THE MATTER OF:

DOCKET NO. CWA-10-99-0188  
RESPONSE AND AFFIDAVIT  
TO ORDER TO SHOW CAUSE

JACK GOLDEN,  
Oysterville, WA.

Respondent.

COMES NOW, Respondent Jack Golden, by and through his attorney Karl W. Ferrier and submits his response to Order to show cause as follows and requests that the Administrative Law Judge does not enter a default against Respondent.:

STATE OF WASHINGTON )  
 )ss.  
Pacific County )

KARL W. FERRIER, being first duly sworn upon oath, deposes and says:

I am attorney for the respondent herein and make this affidavit of my personal knowledge. I am competent to testify herein.

Since the beginning of this matter, Respondent has attempted to cooperate as best he can, however, serious illnesses of his wife cause him to be away from home for long periods at a time and is unable to aid in his defense. In addition, the Respondent has cooperated with the EPA since the beginning of this matter and intends to cooperate fully with them.

It was contemplated that the Respondent and the Environmental Protection Agency would

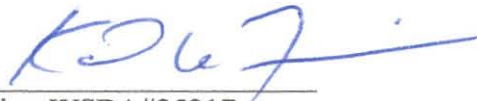
RESPONSE AND AFFIDAVIT TO SHOW CAUSE ORDER - 1

Karl W. Ferrier  
ATTORNEY AT LAW

1405 Bay Ave. • P.O. Box 1159  
Ocean Park, WA 98640  
(360) 665-4550

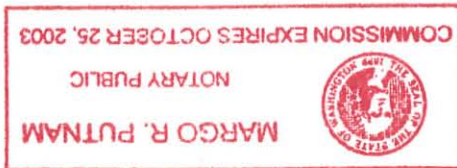
1  
2  
3 settle this case prior to the September 4, 2000, deadline for the prehearing exchange. The parties  
4 still wish to settle this matter, however due to the fact that commentors are required notice  
5 pursuant to 42 CFR 22.45(c)(4), and since the EPA must approve the final settlement there has  
6 been significant delay in finalizing this matter.  
7

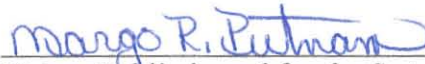
8 If a default is not entered and a hearing was held Respondent would elect to only  
9 conduct cross-examination of Complainant's witnesses.



10  
11 Karl W. Ferrier, WSBA#25217  
Attorney for Respondent

12 SUBSCRIBED AND SWORN to before me this 3rd day of October, 2000.



13  
14   
15 Notary Public in and for the State of Washington  
Residing at Ocean Park, Washington

16 **CERTIFICATE OF SERVICE**

17 I hereby certify that the original of the Answer of Jack Golden, was mailed by certified  
18 mail return receipt to the Regional Hearing Clerk, at the address below and copies were mailed  
19 to the following listed persons on the date below:

20 Mary Shillcutt, Regional Hearing Clerk  
U.S. Environmental Protection Agency  
1200 Sixth Avenue, Mail Stop ORC-158  
Seattle, Washington 98101

21  
22 Deborah Hilsman  
23 Assistant Regional Counsel  
24 U.S. Environmental Protection Agency  
Region 10  
25 1200 Sixth Avenue, ORC-158  
Seattle, Washington 98101

26 **RESPONSE AND AFFIDAVIT TO SHOW CAUSE ORDER - 2**

27  
28 Karl W. Ferrier  
ATTORNEY AT LAW

1405 Bay Ave. • P.O. Box 1159  
Ocean Park, WA 98640  
(360) 665-4550

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

Judge Barbara A. Gunning  
Office of Administrative Law Judges  
U.S. Environmental Protection Agency  
Mail Code 1900L  
1200 Pennsylvania Ave., NW  
Washington, DC 20460  
fax to: (202)565-0044

Dated this 3rd day of October, 2000.



Karl W. Ferrier, WSBA 25217  
Attorney for Respondent

**RESPONSE AND AFFIDAVIT TO SHOW CAUSE ORDER - 3**

**Karl W. Ferrier**  
ATTORNEY AT LAW  
1405 Bay Ave. • P.O. Box 1159  
Ocean Park, WA 98640  
(360) 665-4550