



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

U.S. ENVIRONMENTAL PROTECTION AGENCY-REG.II

2010 OCT 19 P 2:52

BEFORE THE ADMINISTRATOR

REGIONAL HEARING CLERK

IN THE MATTER OF)
)
FELIX AYALA and SILVETTE) DOCKET NO. CWA-02-2009-3451
AYALA d/b/a CANTERE)
ELROBLE,)
)
RESPONDENTS)

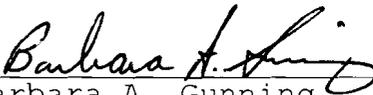
ORDER TO SHOW CAUSE

This matter has been pending before the undersigned since April 2010. In a previous filing with this Tribunal on September 3, 2010, Complainant reported that the parties have "reached an agreement in principle dispositive of all matters asserted in the Administrative Complaint, including a penalty." However, Complainant further states that "Respondent Felix Ayala is still waiting for the issuance of a series of official documents to further support his inability to pay claim." In an earlier filing with this Tribunal on July 30, 2010, Complainant stated that "[t]he Parties have reached an agreement as to the final language and terms of the Consent Agreement and Final Order."

During early October 2010 the office of the undersigned made numerous attempts to contact Complainant concerning the status of the proposed settlement to no avail. Complainant has a history of failing to meet deadlines and responding to telephone calls in this matter. See Joint Order To Show Cause issued June 9, 2010.

Under Section 22.17(a) of the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits, 40 C.F.R. § 22.17(a), a party may be found to be in default upon failure to comply with an order of the Administrative Law Judge. Default by complainant shall result in the dismissal of the complaint with

prejudice. Therefore, Complainant is ordered to show cause, if any, on or before **October 26, 2010**, why it has failed to file a status report as requested, and why a default order should not be entered and/or the Complaint should not be dismissed.



Barbara A. Gunning
Administrative Law Judge

Dated: October 14, 2010
Washington, DC

**In the Matter of *Felix Ayala and Silvette Ayala d/b/a Cantera El Roble*, Respondents.
Docket No. CWA-02-2009-3451**

CERTIFICATE OF SERVICE

I hereby certify that the foregoing **Order to Show Cause**, dated October 14, 2010, was sent this 14th day of October 2010, in the following manner to the addressees listed below.



Mary Angeles
Legal Staff Assistant

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**Dated: October 14, 2010
Washington, D.C.**