

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8

1595 WYNKOOP STREET

DENVER, CO 80202-1129

Phone 800-227-8917

http://www.epa.gov/region08

2014 MAR 12 AM 8:04

FILED
EPA REGION VIII
HEARING CLERK

DOCKET NO.: SDWA-08-2013-0058

IN THE MATTER OF:)

MACKAY INVESTMENTS, LLC)

Jackson Hole Camp Ground)

Public Water System))

DOCKET NO.: SDWA-08-2013-0058

PWS#: WY5600520)

Respondent.)

ORDER

This action, initiated by the Complainant, the Director of the Technical Enforcement Program in conjunction with the Legal Enforcement Program of the Office of Enforcement, Compliance, and Environmental Justice, United States Environmental Protection Agency Region 8, seeks to assess a Class I administrative penalty under Section 1414(g)(3) of the Safe Drinking Water Act, 42 U.S.C. § 300g-3(g)(3). Class I penalty actions are governed by procedures set forth in the revised rules for non-Administrative Procedures Act (non-APA) cases. *See* 40 C.F.R. Part 22, Subpart I.

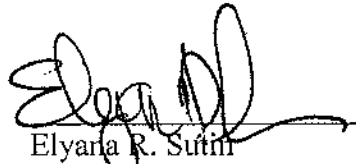
Complainant filed the Administrative Complaint ("Complaint") in this action on September 18, 2013. A United States mail return receipt, commonly referred to as a "green card," filed with the Regional Hearing Clerk indicates that the Complaint was served on Mr. Jamie Mackay, Registered Agent for Respondent, on September 27, 2013. Therefore, the apparent due date for Respondent's answer was approximately October 28, 2013. On January 6, 2014, I requested a status update on this matter. On January 27, 2014, Complainant filed a Status Report indicating that it intends to file a motion for default within 30 days. To date, the Regional Hearing Clerk has not received any further filings.

Pursuant to 40 C.F.R § 22.17(a), parties can be found in default: " after motion, upon failure to file a timely answer to the complaint; upon failure to comply with the information exchange requirements of §22.19(a) or an order of the Presiding Officer; or upon failure to appear at a conference or hearing." In addition, "[d]efault by complainant constitutes a waiver of

complainant's right to proceed on the merits of the action, and shall result in the dismissal of the complaint with prejudice." Complainant states in its Status Report that the motion for default will be filed in 30 days or approximately February 27, 2014. While no order by me confirmed this date, the expectation was that either a motion for default would be filed or there would be further action in some form.

Therefore, Complainant shall file a motion for default or other filing to address the delay on or before **March 28, 2014** or the matter will be dismissed with prejudice.

So Ordered this 12th day of March, 2014.



Elyaria R. Sufiri
Regional Judicial Officer
U.S. EPA, Region 8

CERTIFICATE OF SERVICE

The undersigned certifies that the original of the attached **ORDER** in the matter of **MACKAY INVESTMENTS, LLC; DOCKET NO.: SDWA-08-2013-0058** was filed with the Regional Hearing Clerk on March 12, 2014.

Further, the undersigned certifies that a true and correct copy of the documents was delivered via email to Dana Stotsky, Enforcement Attorney, U. S. EPA – Region 8, 1595 Wynkoop Street, Denver, CO 80202-1129. True and correct copies of the aforementioned documents were placed in the United States mail certified/return receipt requested on March 12, 2014, to:

Jamie Mackay, Registered Agent
Mackay Investments, LLC.
2780 N. Moose Wilson Road/P. O. Box 1827
Wilson, WY 83014

Emailed to:

Honorable Elyana R. Sutin, Regional Judicial Officer
U. S. Environmental Protection Agency
1595 Wynkoop Street (8RC)
Denver, CO 80202

March 12, 2014



Tina Artemis
Paralegal/Regional Hearing Clerk