

UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY  
REGION 6  
DALLAS, TEXAS

FILED

2011 JAN 18 PM 10:49

REGIONAL HEARING CLERK  
EPA REGION VI

In the Matter of: )  
)  
NuCo Energy, Inc., ) CWA-06-2010-1900  
)  
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 a Class I administrative penalty under Section 309(g) of the Clean Water Act ("CWA"), 33 U.S.C. § 1319(g). Class I penalty actions 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. I have been assigned to act as Presiding Officer in this case.


Complainant filed the Administrative Complaint ("Complaint") in this matter on October 13, 2010. The Certificate of Service accompanying the Complaint certifies the Complaint was mailed to the Respondent, NuCo Energy, Inc., by certified mail, return receipt requested, on October 13, 2010. The Regional Hearing Clerk's file in this case contains no other filings. After considering the entire record in this case and the Presiding Officer's responsibility to avoid delay in these proceedings,

**IT IS ORDERED:**

1. On or before **February 15, 2011**, 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 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; (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 Complainant expects to file its motion, a summary of recent contacts, if any, 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 **February 15, 2011**.

It is so ordered, this 18<sup>th</sup> day of January 2011.

A handwritten signature in black ink, appearing to read "Michael C. Barra", written over a horizontal line.

MICHAEL C. BARRA  
REGIONAL JUDICIAL OFFICER

CERTIFICATE OF SERVICE

I, Lorena S. Vaughn, the Regional Hearing Clerk for the Region 6 office of the Environmental Protection Agency, hereby certify that a TRUE AND CORRECT copy of the Order to File Status Report in Docket No. Class I - CWA 06-2010-1900, was served upon the parties on the date and in the manner set forth below:


Greg Dartez  
NuCo Energy, Inc.  
701 Highway 16 East  
Beggs, OK 74421

U.S. FIRST CLASS MAIL -  
RETURN RECEIPT REQUESTED

Efren Ordonez  
Environmental Protection Agency  
1445 Ross Avenue  
Dallas, Texas 75202

INTEROFFICE MAIL

DATE: 1-18-11

  
\_\_\_\_\_  
Lorena S. Vaughn  
Regional Hearing Clerk