

**ENVIRONMENTAL APPEALS BOARD
 UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
 WASHINGTON, D.C.**

 In re: _____)
)
 A.B.E.F. Development Corp. and Herminio)
 Cotto Construction, Inc.)
)
 Docket No. CWA-02-2010-3465)
 _____)

CWA Appeal No. 21-(02)

January 13, 2022 @ 12:31 pm
USEPA – Region II
Regional Hearing Clerk

ORDER DECLINING TO EXERCISE SUA SPONTE REVIEW

On November 30, 2021, the Presiding Officer issued an Initial Decision and Default Order in the above-captioned case that was served on the parties on December 1, 2021. Neither party appealed, and the Environmental Appeals Board is declining to review the case on its own initiative. *See* 40 C.F.R. §§ 22.27(c)(4), 22.30(b). Accordingly, the Initial Decision and Default Order will become a final order on January 18, 2022, pursuant to 40 C.F.R. § 22.27(c).

So ordered.¹

Dated: Jan 13, 2022

ENVIRONMENTAL APPEALS BOARD
 By: _____
 Aaron P. Avila
 Environmental Appeals Judge

¹ The three-member panel deciding this matter consists of Environmental Appeals Judges Aaron P. Avila, Mary Kay Lynch, and Kathie A. Stein.

CERTIFICATE OF SERVICE

I certify that copies of the foregoing *Order Declining to Exercise Sua Sponte Review* in the matter of A.B.E.F. Development Corp. and Herminio Cotto Construction, Inc., Docket No. CWA-02-2010-3465, were sent to the following persons in the manner indicated:

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Dated: Jan 13, 2022

Annette Duncan

Annette Duncan
Administrative Specialist