



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

77 WEST JACKSON BOULEVARD

CHICAGO, IL 60604-3590

June 1, 2011

REPLY TO THE ATTENTION OF:

C-14J

BY HAND DELIVERY

Marcy Toney
Regional Judicial Officer
U.S. Environmental Protection Agency, Region V
77 West Jackson Boulevard (C-14J)
Chicago, Illinois 60604

Re: Robert Christensen d/b/a Bob's Repair, SDWA-05-2010-0001

Dear Judge Toney:

Please find enclosed a copy of the Complainant's Status Report, filed recently in the above-captioned matter. If you have any questions, please contact me at (312) 886-0566.

Yours very truly,

A handwritten signature in black ink, appearing to read "Robert S. Guenther".

Robert S. Guenther
Associate Regional Counsel

Enclosures

cc: Robert Christensen
d/b/a Bob's Repair
1014 3d Avenue, NE
Brainerd, Minnesota 56401

Ray Urchel (WU-16J)

REGIONAL HEARING CLERK
U.S. EPA REGION 5
JUN 7 AM 9:53

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5

IN THE MATTER OF:)	
)	
ROBERT CHRISTENSEN,)	Docket No.: SDWA-05-2010-0001
d/b/a BOB'S REPAIR,)	
1014 3 RD AVE, NE,)	
BRAINERD, MINNESOTA,)	Before the Regional Judicial
)	Officer
RESPONDENT.)	
_____)	

STATUS REPORT

Complainant, through counsel, provides this statement on the status of service of Complainant's Motion for Default, filed on March 23, 2011.

Counsel for Complainant received the attached document by U.S. First Class Mail on Thursday, May 26, 2011, which is apparently a response to the Regional Judicial Officer's Order to Show Cause filed on April 26, 2011,

Respectfully submitted,

Robert S. Guenther
Associate Regional Counsel

RECEIVED
REGIONAL HEARING CLERK
U.S. EPA REGION 5

APR 26 AM 10:03

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5

In the Matter of:)
)
Robert Christensen)
d/b/a Bob's Repair)
Respondent.)

Docket No. SDWA-05-2014-0091

Respectfully
Robert Christensen

ORDER TO SHOW CAUSE

Complainant, the Director of the Water Division, U.S. Environmental Protection Agency (EPA) Region 5, has moved for entry of a Default Order against Respondent, Robert Christensen d/b/a Bob's Repair, for his failure to file an answer in this matter.

without prejudice
UCCI-308

Complainant initiated this administrative action on September 17, 2010, alleging that Respondent violated the requirements of the applicable Underground Injection Control (UIC) program for the State of Minnesota, as promulgated pursuant to section 1421 of the Safe Drinking Water Act, 42 U.S.C. § 300h. Specifically, Complainant alleges that Respondent failed to close a motor vehicle waste disposal well (MVWDW) he owned by January 1, 2007, or obtain a permit to operate it. Complainant requests the Presiding Officer assess a civil penalty against Respondent in the amount of \$3,600 and order Respondent to take all actions reasonable and necessary to assure full compliance with the UIC regulations, including, but not limited to, permanently closing the MVWDW at his facility. To date, Respondent has not filed an answer in this matter.

This proceeding is governed by the Consolidated Rules of Practice, 40 C.F.R. Part 22. Section 22.17(a) of the Consolidated Rules provides in part:

(a) *Default.* A party may be found to be in default: after motion, upon failure to file a timely answer to the complaint. Default by respondent constitutes, for purposes of the pending proceeding only, an admission of all facts alleged in the complaint and a waiver of respondent's right to contest such factual allegations. . . .

(c) *Default order.* When the Presiding Officer finds that a default has occurred, he shall issue a default order against the defaulting party as to any or all parts of the proceeding unless the record shows good cause why a default order should not be issued. If the order resolves all outstanding issues and claims in the proceeding, it shall constitute the initial decision under these Consolidated Rules of Practice. The relief proposed in the complaint or in the motion for default shall be ordered unless the requested relief is clearly inconsistent with the record of the proceeding or the Act.



Robert William Christensen

Robert Christensen 5/9/2011

without prejudice
UCCI-308

Sara J. Magnuson
CROW WING COUNTY, MN. - exp. DATE JAN. 31-2015

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U.S. EPA REGION 5

In the Matter of:
Robert Christensen, d/b/a Bob's Repair
Docket No. SDWA-05-2010-0001

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CERTIFICATE OF SERVICE


I certify that original and a copy of this Status Report were filed with the Regional Hearing Clerk, U.S. Environmental Protection Agency, Region V, on June 1, 2011, and that true and accurate copies were hand-delivered or mailed by first-class U.S. Mail by the next business day to:

Marcy Toney
Regional Judicial Officer
U.S. Environmental Protection Agency
Mail Code 1900L
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460

and

Robert Christensen
d/b/a Bob's Repair
1014 3rd Avenue, NE
Brainerd, Minnesota 56401

Dated: May 31, 2011



Robert S. Guenther
Associate Regional Counsel