



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY BEFORE THE ADMINISTRATOR

In the Matter of:)
Keith Ward (Waimanalo, Hawaii)) Docket No. UIC-09-2015-0003
Respondent.)

ORDER REMANDING CASE TO REGIONAL JUDICIAL OFFICER

This proceeding was initiated by the filing of an administrative complaint on September 28, 2015, pursuant to Rule 22.13 of the Agency's Consolidated Rules of Practice ("Rules"). See 40 C.F.R. § 22 et seq. On December 2, 2015, pursuant to Rule 22.21(a), the Regional Hearing Clerk for Region 9 forwarded the file to the Office of Administrative Law Judges (OALJ). Subsequently, the parties were offered and accepted the opportunity to participate in OALJ's Alternative Dispute Resolution (ADR) program, and I assigned Judge Barbara Gunning to serve as neutral.

It has now come to my attention that the complaint in this case was issued "pursuant to . . . Section 1423(c) of the Safe Drinking Water Act[.]" Complaint at 1. The Rules provide that in all adjudicatory proceedings under Section 1423(c) of the Safe Drinking Water Act, "[t]he Presiding Officer shall be a Regional Judicial Officer." 40 C.F.R. §§ 22.50(a)(2), 22.51. Therefore, proper jurisdiction over this proceeding lies with the appropriate Regional Judicial Officer, and not with the Office of Administrative Law Judges.

Accordingly, this matter is hereby REMANDED to the Regional Judicial Officer for Region 9. My Order Initiating ADR and Appointing Neutral, dated December 29, 2015, is hereby VACATED.

[Handwritten signature]

Susan L. Biro
Chief Administrative Law Judge

Dated: January 6, 2016
Washington, D.C.

In the Matter of Keith Ward (Waimanalo, Hawaii), Respondent
Docket No. UIC-09-2015-0003

CERTIFICATE OF SERVICE

I hereby certify that the foregoing **Order Remanding Case to Regional Judicial Officer**, issued by Chief Administrative Law Judge Susan L. Biro dated January 6, 2016, was served on this day to the addresses's indicated below.



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Paralegal

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Dated: January 6, 2016
Washington, DC