



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY BEFORE THE ADMINISTRATOR

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In the Matter of:)
Molinos De Puerto Rico, Inc.,) Docket No. CWA-02-2012-3458
Respondent.) Dated: December 21, 2012

ORDER TO SHOW CAUSE

By Prehearing Order dated November 6, 2012, the Director, Caribbean Environmental Protection Division of United States Environmental Protection Agency Region 2 ("Complainant") was ordered to file on or before December 14, 2012, either a prehearing exchange of information or a fully executed Consent Agreement and Final Order (CAFO) settling this matter. To date, Complainant has not filed a prehearing exchange or a CAFO.

Section 22.17(a) of the Rules of Practice provides that a party may be found in default for failing to comply with the prehearing exchange requirements. 40 C.F.R. § 22.17(a). A default by a complainant constitutes a waiver of its right to proceed on the merits of the action "and shall result in the dismissal of the complaint with prejudice." Id.

Complainant has not complied with the prehearing exchange requirements set out in the Prehearing Order. Therefore, Complainant shall file, on or before January 7, 2013:

- (1) a response to this Order explaining any good cause for failing to comply with the Prehearing Order and why a default order should not be issued, and
(2) Complainant's prehearing exchange or a fully executed CAFO.

The due date set for Respondent's prehearing exchange, January 11, 2013, is hereby vacated and will be rescheduled as appropriate.

SO ORDERED.

[Signature]
M. Lisa Buschmann
Administrative Law Judge

In the Matter of Molinos De Puerto Rico, Inc., Respondent
Docket No. CWA-02-2012-3458

CERTIFICATE OF SERVICE

I certify that the foregoing **Order To Show Cause**, dated December 21, 2012, was sent this day in the following manner to the addressees listed below:



Knolyn R. Jones
Legal Staff Assistant

Dated: December 21, 2012

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