



UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
BEFORE THE ADMINISTRATOR

IN THE MATTER OF)
)
SARGENT ENTERPRISES, INC.,^{1/}) DOCKET NO. CAA-03-2009-0189
)
)
)
RESPONDENT)

ORDER TO SHOW CAUSE
AND ORDER GRANTING COMPLAINANT'S MOTION FOR EXTENSION OF TIME TO
FILE COMPLAINANT'S REBUTTAL PREHEARING EXCHANGE

On December 28, 2009, Complainant filed a Motion for Extension of Time to File Complainant's Rebuttal Prehearing Exchange, Issuance of Show Cause Order and Other Appropriate Relief.

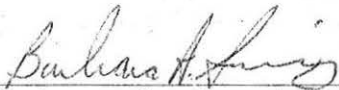
The file before me reflects that Respondent has failed to file either its prehearing exchange or statement of election only to conduct cross-examination of Complainant's witnesses as its manner of defense on or before December 22, 2009, as required by the Administrative Law Judge's Prehearing Order dated September 24, 2009. Additionally, Respondent has not filed a motion for an extension of the filing deadline. Complainant timely filed its prehearing exchange.

Under Section 22.17(a) of the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits, 40 C.F.R. § 22.17(a), a party may be found to be in default upon failure to comply with the information exchange requirements of Section

^{1/} Respondent 1 Source Safety and Health, Inc. and Complainant executed a Consent Agreement and Final Order on August 13, 2009. Respondent Upper Dublin and Complainant executed a Consent Agreement and Final Order on September 29, 2009. Respondents 1 Source Safety and Health, Inc. and Upper Dublin will be deleted from the caption in all further filings in this matter.

22.19(a) of the Rules of Practice, 40 C.F.R. § 22.19(a), or an order of the Administrative Law Judge. Therefore, Respondent is ordered to show cause, if any, on or before **January 19, 2010**, why Respondent failed to meet the December 22, 2009, filing deadline and why a default order should not be entered for failing to meet this deadline.

In its Motion, Complainant requests an extension of time to file its Rebuttal Prehearing Exchange in this matter for such reasonable and appropriate time after the filing of Respondent's Prehearing Exchange as this Court deems reasonable, just and proper. Complainant's Motion is **GRANTED**. Complainant's Rebuttal Prehearing Exchange will be due two weeks after Respondent files its Prehearing Exchange.



Barbara A. Gunning
Administrative Law Judge

Dated: December 30, 2009
Washington, DC

**In the Matter of *Sargent Enterprises, Inc.*, (formerly captioned as School District of Upper Dublin, Inc., and *Sargent Enterprises, Inc.*), Respondent.
Docket No. CAA-03-2009-0189**

CERTIFICATE OF SERVICE

I hereby certify that the foregoing Order to Show Cause and Order Granting Complainant's Motion for Extension of Time to File Complainant's Rebuttal Prehearing Exchange, dated December 30, 2009, was sent this day in the following manner to the addressees listed below.



Mary Angeles
Legal Staff Assistant

Original and One Copy by Pouch Mail to:

Lydia Guy
Regional Hearing Clerk
U.S. EPA / Region III
1650 Arch Street
Philadelphia, PA 19103-2029

Copy by Pouch Mail to:

Jennifer Abramson, Esq.
Assistant Regional Counsel (3LC26)
ORC, U.S. EPA / Region III
1650 Arch Street
Philadelphia, PA 19103-2029

Copy by Certified Mail and Regular Mail to:
(Cert. Ret. Rec. No. 7006 0100 0006 3377 7173)

Brian J. Sargent, President
Sargent Enterprises, Inc.
732 Center Street
Jim Thorpe, PA 18229

Dated: December 30, 2009
Washington, D.C.