

10/22/91

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY

BEFORE THE ADMINISTRATOR

IN THE MATTER OF)	
)	
CHEMLAND, INC.,)	Docket No. FIFRA-09-0760-C-91-05
)	
Respondent)	

ORDER DENYING MOTIONS FOR ORDERS ON DEFAULT

For the reasons stated in its motion of September 30, 1991*, complainant seeks an order on default, pursuant to 40 C.F.R. § 22.17. On October 11, respondent opposed complainant's motion for the reasons stated therein and also served a cross-motion for an order on default. Complainant responded to these submissions on October 17.

The granting of a motion for default rests within the informed discretion of the Administrative Law Judge. In view of the harshness of such motions, they must be approached with circumspection. A review of the pleadings disclose persuasively that the conduct of neither party on the facts, to date, warrant the imposition of an order on default.

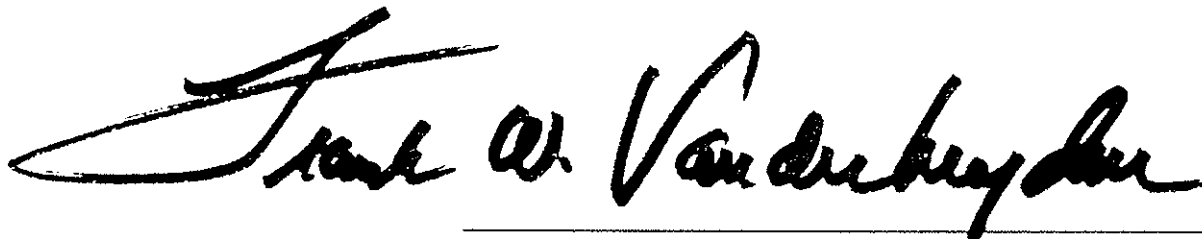
* All dates here and by are for the year 1991.

IT IS ORDERED that:

1. Both complainant's and respondent's motions for an order on default be DENIED.

2. The parties shall engage in good faith efforts to settle this matter.

3. Complainant shall, within 60 days of the service date of this order, provide a status report, with particular emphasis concerning the progress of settlement negotiations.



Frank W. Vanderheyden
Administrative Law Judge

DATED:

October 22, 1991

IN THE MATTER OF CHEMLAND, INC., Respondent,
Docket No. FIFRA-09-0760-C-91-05

Certificate of Service

I certify that the foregoing Order, dated Oct. 22, 1991, was sent this day in the following manner to the below addressees:

Original by Regular Mail to: Mr. Steven Armsey
Regional Hearing Clerk
U.S. Environmental Protection
Agency, Region IX
75 Hawthorne Street
San Francisco, CA 94105

Copy by Regular Mail to:

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Marion I. Walzel
Marion I. Walzel
Secretary

Dated: Oct. 22, 1991