

UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY

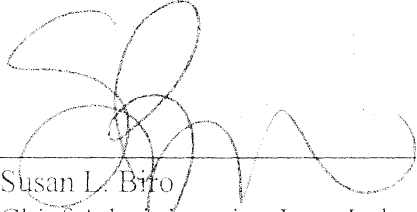
BEFORE THE ADMINISTRATOR

IN THE MATTER OF: )  
 )  
THE THREE AFFILIATED TRIBES ) Docket No. RCRA-08-2008-0002  
and YOLANDA BEARS TAIL, individually, )  
 )  
Respondents )

ORDER TO SHOW CAUSE

By Order dated March 28, 2008, Complainant was required to file its prehearing exchange on or before May 16, 2008. However, to date, the Complainant has failed to do so.<sup>1</sup> Section 22.17 (a) of the Consolidated Rules of Practice Governing The Administrative Assessment of Penalties provides that a party may be found in default for failing to comply with a Prehearing Order.

Therefore, Complainant is Ordered to show good cause on or before **June 15, 2008** why it failed to submit its prehearing exchange as required by the Prehearing Order and why a Default should not be entered against it.

  
Susan L. Biro  
Chief Administrative Law Judge

Dated: June 2, 2008  
Washington, D.C.

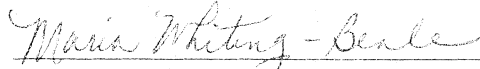
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<sup>1</sup> On April 28, 2008, Complainant submitted a "Settlement Status Report" which indicated that on April 25, 2008 the parties had reached a settlement in principle and requested that the "settlement filing deadline of May 16, 2008 be extended by two weeks until May 30, 2008, to allow sufficient time to obtain cost estimates and other information underlying the SEP." Despite being made in an untimely filed Status Report and in improper form (*i.e.* not in a Motion), this request was granted by Order dated April 29, 2008. The Settlement Status Report did not request any extension of time for filing of the Complainant's Prehearing Exchange and none has been granted. To date, obviously, no Consent Agreement has not been filed either.

In the Matter of The Three Affiliated Tribes and Yolanda Bears Tail, Individually, Respondent  
Docket No. RCRA-08-2008-0002

CERTIFICATE OF SERVICE

I certify that the foregoing **Order To Show Cause**, dated June 2, 2008, was sent this day in the following manner to the addressees listed below.



Maria Whiting-Beale  
Staff Assistant

Dated: June 2, 2008

Original and One Copy By Pouch Mail To:

Tina Artemis  
Regional Hearing Clerk  
U.S. EPA  
1595 Wynkoop Street  
Denver, CO 80202-1129

Copy by Pouch Mail and Facsimile To:

Amy Swanson, Esquire  
Enforcement Counsel (8ENF-L)  
U.S. EPA  
1595 Wynkoop Street  
Denver, CO 80202-1129

Copy By Regular Mail and Facsimile To:

Damon K. Williams, Esquire  
Three Affiliated Tribes  
Mandan, Hidatsa & Arikara Nation  
Legal Department  
404 Frontage Road  
New Town, ND 58763