

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY

BEFORE THE ADMINISTRATOR

In the Matter of)	
)	
Wonder Chemical, Inc.,)	Docket Nos. EPCRA-3-2000-0014
)	EPCRA-3-2000-0015
Respondent)	CERC-3-2000-0005

DEFAULT ORDER

On February 28, 2001 this Court issued its prehearing order requiring that the initial prehearing exchange be completed by April 25, 2001. Thereafter the Court extended the due date for the prehearing exchange to June 25, 2001. EPA timely complied with the Court's Order by submitting its exchange on that date, but the Respondent did not comply.

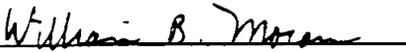
On July 18, 2001 the Court granted the request of Respondent's Counsel to withdraw from the case. That same day a conference call ensued between the Court, Counsel for EPA, and Mr. Frank Banas, President, Wonder Chemical Corporation. Extending every consideration to the Respondent, the Court again extended for one *last* time the date for Respondent to comply with its Prehearing Order, to August 1, 2001, or to submit by that date a fully executed consent agreement.

Neither event occurred by August 1, 2001. On September 14, 2001, the Court conducted a conference call between Counsel for EPA and Mr. Banas. During that call Mr. Banas confirmed that the Respondent had not complied with the Court's order.

The procedural rules governing this proceeding, as set forth at 40 C.F.R. Part 22, provide for the issuance of a default order “upon failure to comply with the information exchange requirements of § 22.19(a). *See* 40 C.F.R. § 22.17. Default constitutes “an admission of all facts alleged in the complaint and a waiver of Respondent’s right to contest such factual allegations.” *Id.*

Default is fully appropriate in this instance. Accordingly the Court finds the Respondent, Wonder Chemical Corporation liable for the violations set forth in the docket numbers identified in the caption. Further, consistent with 40 C.F.R. § 22.17 (c), the relief proposed in the complaint is granted. The terms of 40 C.F.R § 22.17 (d) shall also be operative.

So Ordered.



William B. Moran
United States Administrative Law Judge

Dated: September 19, 2001