



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY BEFORE THE ADMINISTRATOR

RECEIVED DEC 15 2010

REGIONAL HEARING CLERK U.S. ENVIRONMENTAL PROTECTION AGENCY

In the Matter of:)
Batesville Water & Gas Utility and) Docket No. CWA-05-2010-0013
Don Gunter Excavating, LLC,)
Respondents.)

INITIAL PREHEARING ORDER

As you have been previously notified, I am designated to preside over this proceeding. This proceeding will be governed by the applicable statute(s) as well as the Consolidated Rules of Practice Governing Administrative Assessment of Civil Penalties and the Revocation or Suspension of Permits (the "Rules of Practice") (40 C.F.R. Part 22). The parties are advised to familiarize themselves with both the applicable statute(s) and the Rules.

The record indicates that on December 8, 2010, the Neutral Judge terminated the Alternative Dispute Resolution Process in this case and reported that the parties had reached an agreement in principle in regard to settling this case. Therefore, the parties are hereby ORDERED to file their fully executed Consent Agreement and Final Order memorializing their settlement no later than January 14, 2011, with a copy contemporaneously sent to the undersigned by facsimile and mail.

FAILURE TO SUBMIT THE CONSENT AGREEMENT IN A TIMELY MANNER MAY RESULT IN ENTRY OF AN ORDER OF DISMISSAL WITH PREJUDICE OR DEFAULT, AS APPROPRIATE, WITHOUT FURTHER NOTICE.

[Handwritten signature]
Susan L. Biro
Chief Administrative Law Judge

Dated: December 13, 2010
Washington, D.C.

In the Matter of Batesville Water & Gas Utility & Don Gunter Excavating, LLC, Respondents
Docket No. CWA-05-2010-0013

CERTIFICATE OF SERVICE

I certify that the foregoing **Initial Prehearing Order**, dated December 13, 2010, was sent this day in the following manner to the addressees listed below:



Maria Whiting-Beale
Staff Assistant

Dated: December 13, 2010

Original And One Copy By Pouch Mail To:

LaDawn Whitehead
Regional Hearing Clerk
U.S. EPA
77 West Jackson Boulevard, E-19J
Chicago, IL 60604-3590

RECEIVED

DEC 15 2010

REGIONAL HEARING CLERK
U.S. ENVIRONMENTAL
PROTECTION AGENCY

Copy By Pouch Mail To:

Jeffrey A. Cahn, Esquire
Associate Regional Counsel
U.S. EPA
77 West Jackson Boulevard, C-14J
Chicago, IL 60604-3590

Copy By Regular Mail To:

Larry J. Kane, Esquire
Bingham McHale, LLP
2700 Market Tower
10 West Market Street
Indianapolis, IN 46204

Kathryn A. Watson, Esquire
Spalding & Hilmes, PC
330 South Downey Avenue
Indianapolis, IN 46219