

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY

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BEFORE THE ADMINISTRATOR

HEARINGS CLERK
EPA--REGION 10

IN THE MATTER OF:

GILBERT AGEE, INDIVIDUALLY &
d/b/a AGEE CONSTRUCTION CO.,

Respondent.

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DOCKET No. CWA-10-2002-0070

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 March 31, 2003, the Neutral Judge reported that the parties had reached a settlement. Therefore, the parties are hereby **ORDERED**, to file the fully executed Consent Agreement and Final Order memorializing their settlement no later than **May 7, 2003**, with a copy contemporaneously sent to the undersigned.

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.



Susan L. Biro
Chief Administrative Law Judge

Dated: April 7, 2003
Washington, D.C.

In the Matter of Gilbert Agee, Individually & d/b/a Agee Construction Company, Respondent
Docket No. TSCA-10-2002-0070

Certificate of Service

I certify that the foregoing **Initial Prehearing Order**, dated April 7, 2003, was sent this day in the following manner to the addressees listed below.



Maria Whiting-Beale
Legal Staff Assistant

Dated: April 7, 2003

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