



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

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BEFORE THE ADMINISTRATOR

ENVIRONMENTAL PROTECTION AGENCY-REGION VII REGIONAL HEARING CLERK

In the Matter of: )
DEPARTMENT OF VETERANS AFFAIRS ) Docket No. RCRA-07-2008-0013
Eastern Kansas Health Care System, )
Respondent. )

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 August 12, 2009, the Neutral Judge terminated the Alternative Dispute Resolution Process in this case and reported that the parties had reached a settlement in principle and were in the process of finalizing a Consent Agreement and Final Order. Therefore, the parties are hereby ORDERED to file their fully executed Consent Agreement and Final Order memorializing their settlement no later than September 18, 2009, 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. Bird
Chief Administrative Law Judge

Dated: August 17, 2009
Washington, D.C.

In the matter of *Department of Veterans Affairs Eastern Kansas Health Care System*,  
Respondent.  
Docket No. RCRA-07-2008-0013

CERTIFICATE OF SERVICE

I hereby certify that the foregoing **Initial Prehearing Exchange**, dated August 17, 2009,  
was sent this day in the following manner to the addressees listed below.

Original and One Copy by Pouch Mail to:

Kathy Robinson  
Regional Hearing Clerk  
ORC, U.S. EPA, Region VII  
901 North 5<sup>th</sup> Street  
Kansas City, KS 66101

One Copy by Pouch Mail to:

Belinda Holmes, Esq.  
Assistant Regional Counsel  
U.S. EPA / Region VII  
901 North 5<sup>th</sup> Street  
Kansas City, KS 66101

One Copy by Regular Mail to:

Michael E. Anfang  
Staff Attorney  
Department of Veterans Affairs  
Office of Regional Counsel  
1201 Walnut Street, Ste. 800  
Kansas City, MO 64106

**Dated: August 17, 2009**  
**Washington, D.C.**