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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY REGION 5 2010 MAR 29 AM 8: 06

In the Matter of:))
Mardaph II, LLC, Mardaph III, LLC, and Vinnie Wilson,)) Docket No. TSCA-05-2008-0019
Respondents.)) _)

STATUS REPORT

Complainant United States Environmental Protection Agency (U.S. EPA) herein files this status report for this matter and states as follows:

- 1. On October 8, 2009, Judge Biro issued a prehearing order for this matter. In the order, Judge Biro directed, inter alias, the U.S. EPA to file its initial prehearing exchange by November 20, 2009, the Respondent to file its prehearing exchange by December 11, 2009 and the U.S. EPA to file its rebuttal prehearing exchange by December 28, 2009.
 - 2. On November 20, 2009, U.S. EPA filed its prehearing exchange with exhibits.
- 3. On December 8, 2009, the Respondent filed a request for a 60 day extension of time to file its prehearing exchange.
- 4. The request was granted and the Respondent was directed to file its prehearing exchange by February 10, 2010 and the U.S. EPA to file its rebuttal prehearing exchange by February 24, 2010.
- 5. On February 5, 2010, Respondent filed a second request for a sixty day extension to file its prehearing exchange.

6. The request was granted in part and the Respondent was directed to file its prehearing

exchange by March 16, 2010 and the U.S. EPA to file its rebuttal prehearing exchange by March

30, 2010.

7. As of March 27, 2010, the U.S. EPA has not received Respondent's prehearing

exchange.

8. On March 25, 2010, Judge Biro issued an Order to Show Cause to the Respondents to

show good cause why they failed to file a prehearing exchange and why default should not be

entered against them.

9. If at some future date the Court grants the Respondent leave to file a prehearing

exchange, U.S. EPA would reserve the right to file a rebuttal prehearing exchange.

10. Pursuant to the Court's original order of October 8, 2009, dispositive motions are to

be filed within thirty days after the due date for the rebuttal prehearing exchange. Thus, if

necessary, U.S. EPA plans to file its motion for an accelerated decision on or before April 29,

2010.

Submitted this 29th day of March 2010.

Peter Felitti

Assistant Regional Counsel

U.S. Environmental Protection Agency

CERTIFICATE OF SERVICE

I hereby certify that the original of the foregoing was served on the Regional Hearing Clerk, U.S. EPA Region 5, and that true and correct copy was served on the Administrative Law Judge by first class mail on March 29, 2010 and Respondents Vinnie Wilson, Mardaph II, LLC and Mardaph III, LLC with delivery by first class mail on March 29, 2010 to:

The Honorable Susan L. Biro, Chief Administrative Law Judge Office of Administrative Law Judges U.S. Environmental Protection Agency Mail Code 1900L 1200 Pennsylvania Avenue, NW. Washington, D.C. 20460-2001

Mardaph II, LLC c/o Vinnie Wilson 7923 Rambler Place Cincinnati, Ohio 45231

Mardaph III, LLC c/o Vinnie Wilson 7923 Rambler Place Cincinnati, Ohio 45231

Vinnie Wilson 7923 Rambler Place Cincinnati, Ohio 45231

Dated this 29th day of March 2010.

Peter Felitti

Assistant Regional Counsel

U.S. EPA, Region 5