



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

2010 NOV -3 PM 2: 57

BEFORE THE ADMINISTRATOR

FILED EPA REGION VIII HEARING CLERK

In the Matter of:)
47TH STREET TOWNHOMES, LLC,)
ET AL.) Docket No. CWA-08-2009-0021
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 October 29, 2010, the Neutral Judge terminated the Alternative Dispute Resolution Process in this case, reported that the parties had reached a settlement, and that they were in the process of preparing their Consent Agreement and Final Order (CAFO). Therefore, the Complainant is hereby ORDERED to file the fully executed Consent Agreement and Final Order memorializing the settlement no later than November 29, 2010, 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.

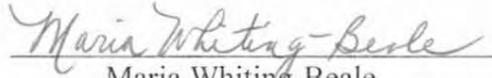
Susan L. Biro
Chief Administrative Law Judge

Dated: November 1, 2010
Washington, D.C.

In the Matter of 47th Street Townhomes, LLC, Jordahl Custom Homes, Inc., and Master
construction Co., Inc., Respondents
Docket No. CWA-08-2009-0021

CERTIFICATE OF SERVICE

I certify that the foregoing **Initial Prehearing Order**, dated November 1, 2010, was sent
this day in the following manner to the addressees listed below:



Maria Whiting-Beale
Staff Assistant

Dated: November 1, 2010

Original And One Copy By Pouch Mail To:

Tina Artemis
Regional Hearing Clerk
U.S. EPA
1595 Wynkoop Street
Denver, CO 80202-1129

Copy By Pouch Mail To:

Peggy Livingston, Esquire
Office of Enforcement, Compliance
and Environmental Justice
U.S. EPA
1595 Wynkoop street
Denver, CO 80202-1129

Copy By Regular Mail To:

Kyle Pender, Esquire
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