



UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY  
BEFORE THE ADMINISTRATOR

In the Matter of: )  
 )  
Pacific Hide and Fur ) Docket No. CAA-08-2012-0006  
d/b/a Pacific Steel & Recycling, )  
 )  
Respondent. )

INITIAL PREHEARING ORDER

As you were notified by Order dated July 27, 2012, I have been designated to preside in the above-captioned matter. This proceeding will be governed by the applicable statute(s), as well as the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits set forth at 40 C.F.R. Part 22 ("Rules of Practice"). The parties are advised to familiarize themselves with both the applicable statute(s) and the Rules of Practice.

The United States Environmental Protection Agency, Region 8 ("Complainant"), initiated this proceeding on May 30, 2012, by filing a Complaint and Notice of Opportunity for Hearing ("Complaint") against Pacific Hide and Fur d/b/a Pacific Steel & Recycling ("Respondent"). In response, Respondent filed a document entitled "Notice of Settlement" on July 6, 2012. Therein, Respondent relates that the parties have reached a settlement agreement in this matter and that the parties are currently drafting a Consent Agreement.<sup>1</sup> The record also reflects that on July 25, 2012, Complainant declined an invitation from the office of the undersigned to participate in Alternative Dispute Resolution based upon Complainant's belief that the parties have reached a settlement.

The parties are commended for their efforts to settle this matter informally and expeditiously. Complainant is hereby **ORDERED** to file and serve a fully-executed Consent Agreement and Final Order ("CAFO") memorializing the parties' settlement agreement on or before August 31, 2012. If the parties have not executed a CAFO by that date, the parties are hereby **ORDERED** to file and serve instead a Joint Status Report as to their progress towards settlement of this matter, which shall not include, attach, or refer to any specific settlement terms, offers, or counteroffers.

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<sup>1</sup> To preserve its right to a hearing in the event that the parties fail to finalize the Consent Agreement, Respondent also denies all allegations set forth in the Complaint and requests a hearing.

Pursuant to the recently-expanded Headquarters Hearing Clerk pilot project, the duties of the Regional Hearing Clerk have been transferred to Sybil Anderson, Headquarters Hearing Clerk, for all contested administrative enforcement actions. The original and one copy of any documents required to be filed by this Order shall be filed with the Headquarters Hearing Clerk by mail, courier, or personal delivery at the following addresses.

If sending by United States Postal Service (USPS):

Sybil Anderson  
Headquarters Hearing Clerk  
EPA Office of Administrative Law Judges  
1200 Pennsylvania Avenue, NW  
Mail Code 1900L  
Washington, DC 20460-2001

If sending by a non-USPS courier, such as UPS or FedEx, or hand-delivering:

Sybil Anderson  
Headquarters Hearing Clerk  
EPA Office of Administrative Law Judges  
1099 14th Street, NW  
Suite 350W, Franklin Court  
Washington, DC 20005

A copy of any filed document, including the fully-executed CAFO, shall also be served contemporaneously upon the opposing party and the undersigned. Service upon the undersigned may be made by mail, courier, or personal delivery at the addresses above. To ensure that the undersigned receives a document in a timely manner, a courtesy copy may be sent to the office of the undersigned by email, at [oaifiling@epa.gov](mailto:oaifiling@epa.gov), or by facsimile, at (202) 565-0044, followed by service of a hard copy of the document.

**FAILURE TO COMPLY WITH THIS ORDER MAY RESULT IN ENTRY OF AN ORDER OF DISMISSAL WITH PREJUDICE OR A DEFAULT JUDGMENT, AS APPROPRIATE, WITHOUT FURTHER NOTICE.**

**SO ORDERED.**




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Susan L. Biro  
Chief Administrative Law Judge

Dated: August 6, 2012  
Washington, D.C.

In the Matter of Pacific Hide and Fur d/b/a Pacific Steel & Recycling, Respondent  
Docket No.CAA-08-2012-0006

CERTIFICATE OF SERVICE

I certify that the foregoing **Initial Prehearing Order**, dated August 6, 2012, was sent this day in the following manner to the addressees listed below.

  
\_\_\_\_\_  
Maria Whiting-Beale  
Staff Assistant

Dated: August 6, 2012

Original and One Copy To:

Sybil Anderson  
Headquarters Hearing Clerk  
U.S. EPA  
Office of Administrative Law Judges  
Mail Code 1900L  
1200 Pennsylvania Avenue, NW  
Washington, DC 20460-2001

Copy By Regular Mail To:

Linda Kato, Esquire  
Enforcement Attorney (8ENF-L)  
U.S. EPA  
1595 Wynkoop Street  
Denver, CO 80202-1129

Catherine A. Laughner, Esquire  
Brown, Kaleczyc, Berry & Hoven, P.C.  
801 W. Main Street, Suite 2A  
Bozeman, MT 59715