



UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
BEFORE THE ADMINISTRATOR

RECEIVED BY OALJ
2013 FEB 26 PM 3:18

In the Matter of:)
)
Wismarq Corporation,) Docket No. RCRA-05-2012-0015
)
Respondent.)

INITIAL PREHEARING ORDER

As you have been notified by Order dated February 15, 2013, I am designated to preside over this proceeding. This proceeding is governed by 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 (the "Rules of Practice"). The parties are advised to familiarize themselves with the Rules of Practice.

The record indicates that on February 14, 2013, the Neutral Judge recommended that the Alternative Dispute Resolution ("ADR") process in this case be terminated. In her Report Recommending Termination, the Neutral Judge stated that the parties have agreed to all terms of a Consent Agreement and Final Order ("CAFO"). Nonetheless, a CAFO has not been executed.

Therefore, Complainant is hereby **ORDERED** to file a fully-executed Consent Agreement and Final Order ("CAFO") memorializing their settlement no later than **March 25, 2013**, and to send a copy to the office of the undersigned contemporaneously *by e-mail* (oaljfilng@epa.gov), *or facsimile* (202-565-0044).

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 or state any specific settlement or project terms, offers or counteroffers.

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.



Susan L. Biro
Chief Administrative Law Judge

Dated: 2/26/2013
Washington, D.C.

In the Matter of Wismarq Corporation, Respondent
Docket No. RCRA-05-2012-0015

CERTIFICATE OF SERVICE

I certify that a true copy of the **Initial Prehearing Order**, dated February 25, 2013, was sent this day in the following manner to the addressees listed below:



Mary Angeles
Lead Legal Assistant

Copy by Hand Delivery to:

Sybil Anderson
Headquarters Hearing Clerk
U.S. EPA, OALJ
Mail Code 1900L
1200 Pennsylvania Ave., NW
Washington, DC 20460

Copy By Electronic and Regular Mail to:

James Morris, Esq.
Associate Regional Counsel (C-14J)
U.S. EPA, Office of Regional Counsel
77 West Jackson Boulevard
Chicago, IL 60604-3590
Email: morris.james@epa.gov

Donald P. Gallo, Esq.
Reinhart Boerner Van Deuren, s.c
N16 W23250 Stone Ridge Drive, Ste. One
Waukesha, WI 53188
Email: dgallo@reinhartlaw.com

February 26, 2013
Washington, DC