

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY

BEFORE THE ADMINISTRATOR

In the Matter of)	
)	
Wilkins Dairy Farm, LLC,)	Docket No. CWA-02-2010-3404
)	
)	
Respondent)	

**ORDER INITIATING ALTERNATIVE DISPUTE
RESOLUTION PROCESS AND APPOINTING NEUTRAL**

Pursuant to the request of the parties, Judge Spencer T. Nissen, is hereby designated as a neutral to initiate and conduct such processes as may facilitate a settlement of this proceeding.

The following procedures shall apply:

1. The Alternative Dispute Resolution (ADR) process will be conducted in a confidential manner. The Judge who serves as the neutral will not disclose to anyone the contents of any of the parties' ADR communications.
2. For the ADR process to be effective, the persons communicating with the neutral must either have authority to commit his or her side to a settlement, or have ready access to someone with such authority.
3. Unless terminated earlier at the request of either party, the ADR process shall automatically terminate on **December 17, 2010**. An extension of up to 60 days may be granted by the undersigned upon request of the ADR neutral, but in no event shall ADR continue for longer than 4 months. At that time, if no settlement has been reached, the case will be remanded to the litigation Judge to proceed with the litigation process in an expedited manner.
4. A party requesting termination of this process shall so advise the assigned neutral Judge either orally or in writing. The neutral Judge shall forward the request to the Chief Administrative Law Judge. The dispute resolution process initiated by this Order shall terminate upon order of the Chief Administrative Law Judge.

5. At the termination of the ADR process, the parties will be sent a questionnaire to elicit their views and the experience with the process. The contents of individual questionnaires will be kept confidential and will be made available to the neutrals and others only in a composite format.



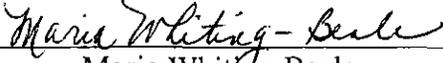
Susan L. Biro
Chief Administrative Law Judge

Dated: October 18, 2010
Washington, DC

In the Matter of Wilkins Dairy Farm, LLC, Respondent
Docket No. CWA-02-2010-3404

CERTIFICATE OF SERVICE

I certify that the foregoing **Order Initiating Alternative Dispute Resolution Process And Appointing Neutral**, dated October 18, 2010, was sent this day in the following manner to the addressees listed below.



Maria Whiting-Beale
Staff Assistant

Dated: October 18, 2010

Original And One Copy To:

Karen Maples
Regional Hearing Clerk
U.S. EPA
290 Broadway, 16th Floor
New York, NY 10007-1866

Copy By Pouch Mail To:

Chris Saporita, Esquire
Office of Regional Counsel
U.S. EPA
290 Broadway, 16th Floor
New York, NY 10007-1866

Copy By Regular Mail To:

David L. Cook, Esquire
Faraci Lange, LLP
28 E. Main Street, Suite 1100
Rochester, NY 14614



UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY

BEFORE THE ADMINISTRATOR

IN THE MATTER OF)
)
FELIX AYALA and SILVETTE) DOCKET NO. CWA-02-2009-3451
AYALA d/b/a CANTERE)
ELROBLE,)
)
RESPONDENTS)

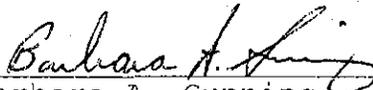
ORDER TO SHOW CAUSE

This matter has been pending before the undersigned since April 2010. In a previous filing with this Tribunal on September 3, 2010, Complainant reported that the parties have "reached an agreement in principle dispositive of all matters asserted in the Administrative Complaint, including a penalty." However, Complainant further states that "Respondent Felix Ayala is still waiting for the issuance of a series of official documents to further support his inability to pay claim." In an earlier filing with this Tribunal on July 30, 2010, Complainant stated that "[t]he Parties have reached an agreement as to the final language and terms of the Consent Agreement and Final Order."

During early October 2010 the office of the undersigned made numerous attempts to contact Complainant concerning the status of the proposed settlement to no avail. Complainant has a history of failing to meet deadlines and responding to telephone calls in this matter. See Joint Order To Show Cause issued June 9, 2010.

Under Section 22.17(a) of the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits, 40 C.F.R. § 22.17(a), a party may be found to be in default upon failure to comply with an order of the Administrative Law Judge. Default by complainant shall result in the dismissal of the complaint with

prejudice. Therefore, Complainant is ordered to show cause, if any, on or before **October 26, 2010**, why it has failed to file a status report as requested, and why a default order should not be entered and/or the Complaint should not be dismissed.



Barbara A. Gunning
Administrative Law Judge

Dated: October 14, 2010
Washington, DC

**In the Matter of *Felix Ayala and Silvette Ayala d/b/a Cantera El Roble*, Respondents.
Docket No. CWA-02-2009-3451**

CERTIFICATE OF SERVICE

I hereby certify that the foregoing **Order to Show Cause**, dated October 14, 2010, was sent this 14th day of October 2010, in the following manner to the addressees listed below.



Mary Angeles
Legal Staff Assistant

Original and One Copy by Facsimile and Pouch Mail to:

Karen Maples
Regional Hearing Clerk
US EPA, Region II
290 Broadway, 16th Floor
New York, NY 10007-1866
Fx: 212.637.3199

Copy by Facsimile and Pouch Mail to:

Carolina Jordán Garcia, Esq.
Assistant Regional Counsel (3LC26)
ORC, U.S. EPA / Caribbean Field Div.
Centro Europa Building, Suite 417
1492 Ponce de Leon Ave.
San Juan, PR 00907-4127
Fx: 787.729.7748

Copy by Regular Mail to:

Leda. Janelle Falcon Verdejo
Legal Counsel
License No. 16906
Calle 18 N19 Toa Alta Heights
Toa Alta, PR 00953

**Dated: October 14, 2010
Washington, D.C.**