



UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY

BEFORE THE ADMINISTRATOR

In the Matter of: )  
)  
CITY OF FALL RIVER, ) Docket No. CWA-01-2009-0074  
)  
Respondent. )

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 March 2, 2010, the Neutral Judge terminated the Alternative Dispute Resolution Process in this case and reported that the parties had reached a settlement, that the Respondent had executed the Consent Agreement and Final Order (CAFO), but that "there has been an unexplained delay in executing the CAFO by Complainant." Therefore, the Complainant is hereby ORDERED to file the fully executed Consent Agreement and Final Order memorializing the settlement no later than April 9, 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: March 8, 2010  
Washington, D.C.

In the ADR matter of *City of Fall River*, Respondent.  
Docket No. CWA-01-2009-0074

CERTIFICATE OF SERVICE

I hereby certify that the foregoing **Initial Prehearing Order**, dated March 8, 2010, was sent this day in the following manner to the addressees listed below.



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Maria Whiting-Beale  
Legal Staff Assistant

Original and One Copy by Pouch Mail to:

Judy Lao-Ruiz  
Regional Hearing Clerk  
U.S. EPA, Region I  
One Congress St., Suite 1100  
Boston, MA 02114-2023

One Copy by Pouch Mail to:

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One Copy by Regular Mail to:

Arthur D. Frank, Jr., Esq.  
Corporate Counsel  
City of Fall River, Law Department  
One Government Center, 6<sup>th</sup> Floor  
Fall River, MA 02722

**Dated: March 8, 2010**  
**Washington, D.C.**