

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5

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In the Matter of:)

Mardaph II, LLC, Mardaph III, LLC,)
and Vinnie Wilson,)

Respondents.)

Docket No. TSCA-05-2008-0019

STATUS REPORT

Complainant United States Environmental Protection Agency (U.S. EPA) herein files this status report for this matter and states as follows:

1. On October 8, 2009, Judge Biro issued a prehearing order for this matter. In the order, Judge Biro directed, inter alias, the U.S. EPA to file its initial prehearing exchange by November 20, 2009, the Respondents to file their prehearing exchange by December 11, 2009 and the U.S. EPA to file its rebuttal prehearing exchange by December 28, 2009.

2. After receiving the Judge's October 8th order, U.S. EPA sent a letter on October 13, 2009 by Federal Express to the Respondent Vinnie Wilson, asking her to contact U.S. EPA or provide us with a telephone number to contact her. The letter also contained forms for the Respondent to fill out if she was claiming an inability to pay, an issue that had been raised in some of her filings. Respondent Vinnie Wilson had previously provide some financial information to U.S. EPA, but the information was incomplete for the Agency to make a determination as to her ability to pay.

3. . On October 21, 2009, Respondent Vinnie Wilson telephoned and spoke with Estrella Calvo, the U.S. EPA Environmental Scientist assigned to this matter. Respondent Wilson faxed to Ms. Calvo several documents regarding her ability to pay.

4. Upon reviewing this information, U.S. EPA had several questions that needed clarification and sent a letter on November 3, 2009, and again on December 15, 2009, to Respondent Vinnie Wilson requesting she respond to the questions set forth in the letter. No response was received.

5. On November 20, 2009, U.S. EPA filed its prehearing exchange with exhibits.

6. On December 8, 2009, Respondent Vinnie Wilson filed a request for a 60 day extension of time to file its prehearing exchange. The request was granted and the Respondents were directed to file their prehearing exchange by February 10, 2010 and the U.S. EPA to file its rebuttal prehearing exchange by February 24, 2010.

7. On February 5, 2010, Respondent Vinnie Wilson filed a second request for a sixty day extension to file its prehearing exchange. The request was granted in part and the Respondents were directed to file their prehearing exchange by March 16, 2010 and the U.S. EPA to file its rebuttal prehearing exchange by March 30, 2010.

8. Respondents failed to file the prehearing exchange by March 16, 2010.

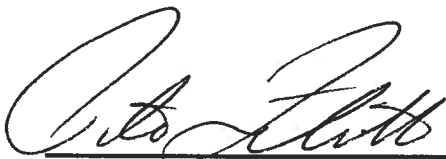
9. On March 25, 2010, Judge Biro issued an Order to Show Cause to the Respondents to show good cause why they failed to file a prehearing exchange and why default should not be entered against them.

10. On April 2, 2010, U.S. EPA received a packet of documents from Respondent Vinnie Wilson regarding the Respondent's ability to pay. U.S. EPA had been requesting the documents

for months. U.S. EPA did not receive Respondents' prehearing exchange or any response to the March 25, 2010 Order to Show Cause.

11. U.S. EPA will review the information provided by Respondent to make a determination as to her ability to pay a civil penalty.

Submitted this 2nd day of April 2010.

A handwritten signature in cursive script, appearing to read "Peter Felitti", is written above a horizontal line.

Peter Felitti
Assistant Regional Counsel
U.S. Environmental Protection Agency

CERTIFICATE OF SERVICE

I hereby certify that the original of the foregoing was served on the Regional Hearing Clerk, U.S. EPA Region 5, and that true and correct copy was served on the Administrative Law Judge by first class mail on April 2, 2010 and Respondents Vinnie Wilson, Mardaph II, LLC and Mardaph III, LLC with delivery by first class mail on April 2, 2010 to:

The Honorable Susan L. Biro, Chief Administrative Law Judge
Office of Administrative Law Judges
U.S. Environmental Protection Agency
Mail Code 1900L
1200 Pennsylvania Avenue, NW.
Washington, D.C. 20460-2001

Mardaph II, LLC
c/o Vinnie Wilson
7923 Rambler Place
Cincinnati, Ohio 45231

Mardaph III, LLC
c/o Vinnie Wilson
7923 Rambler Place
Cincinnati, Ohio 45231

Vinnie Wilson
7923 Rambler Place
Cincinnati, Ohio 45231

Dated this 2nd day of April 2010.



Peter Felitti
Assistant Regional Counsel
U.S. EPA, Region 5