

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY

REGIONAL HEARING CLERK
U.S. EPA REGION 5

BEFORE THE ADMINISTRATOR

2011 JUN -8 PM 1:04

In the Matter of:

Heritage-WTI, Inc,

Respondent.

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Docket No. CAA-05-2011-0012

INITIAL PREHEARING ORDER

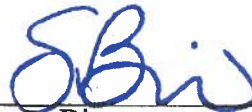
As you were previously notified, I have been designated to preside over the above-captioned matter. This proceeding will be governed by the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits, 40 C.F.R. §§ 22.1 *et seq.* ("Rules of Practice"). The parties are advised that a Practice Manual and Citizen's Guide, which serve as aids to understanding the practices and procedures applicable to proceedings before the Administrative Law Judges from the U.S. Environmental Protection Agency's Office of Administrative Law Judges ("OALJ"), are accessible at <http://www.epa.gov/oalj/rules>.

Prior to the designation of this case to the undersigned, the parties engaged in the Alternative Dispute Resolution ("ADR") process offered by the OALJ in an effort to resolve this matter amicably. On June 1, 2011, the Administrative Law Judge serving as a neutral during the ADR process issued an Order Terminating Alternative Dispute Resolution and Returning Proceeding to Chief Judge. The Order of June 1, 2011, states that Complainant represented in a status report dated May 26, 2011, that Complainant anticipates filing a fully-executed Consent Agreement and Final Order ("CAFO") on or before June 30, 2011. The Order further states, however, that the status report "makes clear that the parties have yet to resolve their differences as to the reduction in the proposed penalty attributable to a SEP [Supplemental Environmental Project] proposed by Respondent and accepted by the Agency."

On June 2, 2011, the OALJ received a Second Joint Motion to Extend Alternative Dispute Process ("Motion"), which was filed by the parties on May 31, 2011. In the Motion, the parties request an extension of the ADR process until June 30, 2011, on the grounds that the parties "currently anticipate that no later than June 30, 2011, they will be able to successfully negotiate the terms of their settlement agreement and submit to the Court a CAFO setting forth the terms of the settlement."

This Motion has been deemed moot by the Order of June 1, 2011, terminating the ADR process. However, based upon their representations in the Motion, the parties are hereby **ORDERED** to file a fully-executed CAFO no later than **June 30, 2011**, with a copy **contemporaneously sent to the undersigned by facsimile or mail.**

**FAILURE TO FILE THE CAFO IN A TIMELY MANNER MAY RESULT IN
ENTRY OF AN ORDER OF DISMISSAL OR DEFAULT, AS APPROPRIATE,
WITHOUT FURTHER NOTICE.**



Susan L. Biro
Chief Administrative Law Judge

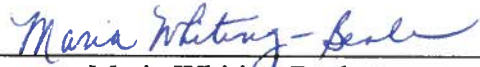
Dated: June 3, 2011
Washington, DC

In the Matter of Heritage-WTI, Inc., Respondent
Docket No.CAA-05-2011-0012

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CERTIFICATE OF SERVICE

I certify that the foregoing **Initial Prehearing Order**, dated June 3, 2011, was sent this day in the following manner to the addressees listed below.



Maria Whiting-Beale
Staff Assistant

Dated: June 3, 2011

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