

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY

BEFORE THE ADMINISTRATOR

IN THE MATTER OF:

Dilbag Khera, AM Food and Gas,

Respondent.

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Docket No. RCRA-UST-04-2009-0001

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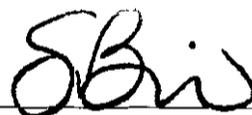
INITIAL PREHEARING ORDER

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, 40 C.F.R. §22.1 et seq., ("Rules"). The parties are advised to familiarize themselves with the applicable statute(s) and the Rules.

The record shows that the parties engaged in an Alternative Dispute Resolution, that Complainant filed a Status Report in October 2009 indicating that the parties reached a settlement of this matter and that a Consent Agreement and Final Order (CAFO) memorializing the settlement has been drafted.

Therefore, the parties will be given a brief opportunity to complete the settlement process on their own prior to engaging in the prehearing exchange process. Accordingly, the parties are hereby **ORDERED** to file the fully executed Consent Agreement and Final Order (CAFO) memorializing their settlement no later than **January 8, 2010, 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.



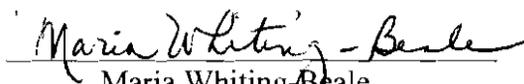
Susan L. Biro
Chief Administrative Law Judge

Dated: December 11, 2009
Washington, D.C.

In the Matter of Dilbag Khera, AM Food and Gas, Respondent
Docket No. RCRA-UST-04-2009-0001

CERTIFICATE OF SERVICE

I certify that the foregoing **Initial Prehearing Order**, dated December 11, 2009, was sent this day in the following manner to the addressees listed below.


Maria Whiting-Beale
Staff Assistant

Dated: December 11, 2009

Original And One Copy By Pouch Mail To:

Patricia Bullock
Regional Hearing Clerk
U.S. EPA
Atlanta Federal Center
61 Forsyth Street, SW
Atlanta, GA 30303-8960

Copy By Pouch Mail To:

Deborah Benjamin, Esquire
Associate Regional Counsel
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