



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY BEFORE THE ADMINISTRATOR

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In the Matter of:)
Grimmel Industries, L.L.C.,) Docket No. CWA-01-2011-0036
Respondent.)

INITIAL PREHEARING ORDER

As you have been notified by Order dated May 22, 2012, 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 the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits set forth at 40 C.F.R. Part 22 (the "Rules of Practice"). The parties are advised to familiarize themselves with both the applicable statute(s) and the Rules of Practice.

The record indicates that on May 16, 2012, the Neutral Judge recommended that the Alternative Dispute Resolution ("ADR") process in this case be terminated. In her Report Recommending Termination, the Neutral Judge stated that the parties have succeeded in negotiating a framework for a possible settlement, which includes a supplemental environmental project. On May 24, 2012, counsel for Complainant confirmed with staff of the undersigned that the parties are confident they can agree to a settlement by May 31, 2012, and finalize the agreement thereafter. The parties are commended for their diligent efforts to settle this matter, and are encouraged to continue. However, the ADR process, which lasted four months, has been terminated, and the litigation proceeding must proceed in a timely fashion.

Therefore, Complainant is hereby ORDERED to file a fully-executed Consent Agreement and Final Order ("CAFO") memorializing their settlement no later than June 15, 2012, and to send a copy to the office of the undersigned contemporaneously by facsimile ((202) 564-0044) or e-mail (oaljfilng@epa.gov), and mail.

If the parties have not executed a CAFO by that date, the parties are hereby ORDERED to file and serve instead a joint status report as to their progress towards settlement of this matter, which shall not include or state any specific settlement or project terms, offers or counteroffers.

**FAILURE TO COMPLY WITH THIS ORDER MAY RESULT IN ENTRY
OF AN ORDER OF DISMISSAL WITH PREJUDICE OR A DEFAULT
JUDGMENT, AS APPROPRIATE, WITHOUT FURTHER NOTICE.**

SO ORDERED.



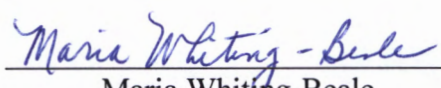
Susan L. Biro
Chief Administrative Law Judge

Dated: May 24, 2012
Washington, D.C.

In the Matter of Grimmel Industries, L.L.C., Respondent
Docket No. CWA-01-2011-0036

CERTIFICATE OF SERVICE

I certify that the foregoing **Initial Prehearing Order**, dated May 24, 2012, was sent this day in the following manner to the addressees listed below:



Maria Whiting-Beale
Staff Assistant

Dated: May 24, 2012

Original And One Copy By Regular Mail To:

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