



UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
BEFORE THE ADMINISTRATOR

RECEIVED BY OALJ
2013 MAR 18 PM 12:24

In the Matter of:)

Cactus Hill Ranch Co.,)

Respondent.)

) Docket No. CWA-08-2012-0033

INITIAL PREHEARING ORDER

This proceeding is governed by 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 the Rules of Practice.

The record indicates that on March 14, 2013, 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 agreed to a settlement in this matter, but require additional time to draft a written Consent Agreement and Final Order.

Therefore, the parties are directed to continue working diligently to finalize a written settlement agreement. Complainant is **ORDERED** to submit a copy of the fully-executed Consent Agreement and Final Order to the office of the undersigned *by e-mail* (oaljfilng@epa.gov), or *facsimile* (202-565-0044) immediately upon completion.

Further, unless the fully-executed Consent Agreement and Final Order is filed first, the parties are **ORDERED** to file and serve a joint status report on or before **April 19, 2013**. The status report shall address their progress towards settlement of this matter, and 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.

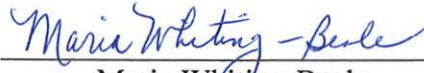
Susan L. Biro
Chief Administrative Law Judge

Dated: March 18, 2013
Washington, D.C.

In the Matter of Cactus Hill Ranch Co., Respondent
Docket No. CWA-08-2012-0033

CERTIFICATE OF SERVICE

I certify that the foregoing **Initial Prehearing Order**, dated March 18, 2013, was sent this day in the following manner to the addressees listed below:



Maria Whiting-Beale
Staff Assistant

Dated: March 18, 2013

Original And One Copy To:

Sybil Anderson
Headquarters Hearing Clerk
U.S. EPA
Mail Code 1900L
1200 Pennsylvania Avenue, NW
Washington, DC 20460-2001

Copy By Regular Mail To:

Margaret "Peggy" Livingston, Esquire
Enforcement Counsel (8ENF-L)
U.S. EPA
1595 Wynkoop Street
Denver, CO 80202-1129

Nicole M. Abbott
Davis Graham & Stubbs LLP
1550 Seventeenth Street, Suite 500
Denver, CO 80202-1129