

UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY  
BEFORE THE ADMINISTRATOR

In the Matter of: )  
)  
Robinson Concrete, Inc., d/b/a ) Docket No. CWA-02-2009-3404  
Franklin Street Read Mix Facility )  
Robinson Concrete, Inc., Franklin Street )  
Pit Sand and Gravel Mine, and Vitale )  
Ready Mix Concrete, Inc. )  
)  
Respondent )

U.S. ENVIRONMENTAL  
PROTECTION AGENCY-FEB 11  
2010 MAR -3 PM 2:47  
REGIONAL HEARING  
CLERK

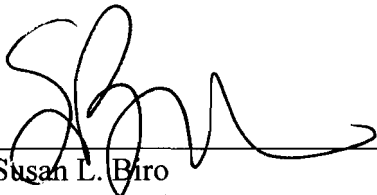
**INITIAL PREHEARING ORDER**

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.

Prior to this designation, the parties engaged in Alternative Dispute Resolution (ADR) in an effort to resolve this matter by settlement. On February 18, 2010, the Administrative Law Judge serving as a neutral in the ADR proceeding reported that the parties “continue to make significant progress toward settlement in this matter” and “recommend[s] to the litigation judge that the parties, who have expended a great deal of effort and time in negotiating this settlement, be afforded additional time to finalize their settlement before the litigation process is initiated.”

Accordingly, the parties will be given a brief opportunity to complete the settlement process on their own prior to engaging in the prehearing exchange process. Therefore, the parties are hereby **ORDERED** to file the fully executed Consent Agreement and Final Order (CAFO) memorializing their settlement no later than **March 26, 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: March 1, 2010  
Washington, D.C.

In the Matter of Robinson Concrete, Inc., d/b/a Franklin Street Ready Mix Facility, Robinson Concrete, Inc. Franklin Street Pit Sand and Gravel Mine and Vitale Ready Mix Concrete, Inc.,  
Respondent  
Docket No. CWA-02-2009-3404

CERTIFICATE OF SERVICE

I certify that the foregoing **Initial Prehearing Order**, dated March 1, 2010, was sent this day in the following manner to the addressees listed below:

  
\_\_\_\_\_  
Maria Whiting-Beale  
Staff Assistant

Dated: March 2, 2010

Original And One Copy To:

Karen Maples  
Regional Hearing Clerk  
U.S. EPA  
290 Broadway, 16<sup>th</sup> Floor  
New York, NY 10007-1866

Copy By Pouch Mail To:

Melva J. Hayden, Esquire  
Assistant Regional Counsel  
U.S. EPA  
290 Broadway 16<sup>th</sup> Floor  
New York, NY 10007-1866

Copy By Regular Mail To:

Amy K. Kendall, Esquire  
Hiscock & Barclay, LLP  
2000 HSBC Plaza  
100 Chestnut Street  
Rochester, NY 14604