

6. The request was granted in part and the Respondent was directed to file its prehearing exchange by March 16, 2010 and the U.S. EPA to file its rebuttal prehearing exchange by March 30, 2010.

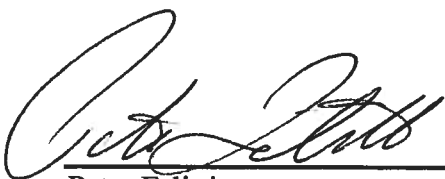
7. As of March 27, 2010, the U.S. EPA has not received Respondent's prehearing exchange.

8. On March 25, 2010, Judge Biro issued an Order to Show Cause to the Respondents to show good cause why they failed to file a prehearing exchange and why default should not be entered against them.

9. If at some future date the Court grants the Respondent leave to file a prehearing exchange, U.S. EPA would reserve the right to file a rebuttal prehearing exchange.

10. Pursuant to the Court's original order of October 8, 2009, dispositive motions are to be filed within thirty days after the due date for the rebuttal prehearing exchange. Thus, if necessary, U.S. EPA plans to file its motion for an accelerated decision on or before April 29, 2010.

Submitted this 29th day of March 2010.



Peter Felitti
Assistant Regional Counsel
U.S. Environmental Protection Agency

CERTIFICATE OF SERVICE

I hereby certify that the original of the foregoing was served on the Regional Hearing Clerk, U.S. EPA Region 5, and that true and correct copy was served on the Administrative Law Judge by first class mail on March 29, 2010 and Respondents Vinnie Wilson, Mardaph II, LLC and Mardaph III, LLC with delivery by first class mail on March 29, 2010 to:

The Honorable Susan L. Biro, Chief Administrative Law Judge
Office of Administrative Law Judges
U.S. Environmental Protection Agency
Mail Code 1900L
1200 Pennsylvania Avenue, NW.
Washington, D.C. 20460-2001

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Vinnie Wilson
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Dated this 29th day of March 2010.



Peter Felitti
Assistant Regional Counsel
U.S. EPA, Region 5