

UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY  
BEFORE THE ADMINISTRATOR

U.S. ENVIRONMENTAL  
PROTECTION AGENCY-REG.  
2010 APR 22 PM 12:13  
REGIONAL HEARING  
CLERK

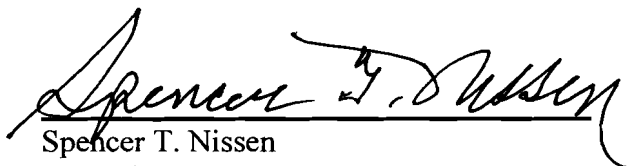
In the Matter of )  
 )  
Kmart Corporation, ) Docket No. RCRA-02-2009-7147  
 )

**ORDER TERMINATING ALTERNATIVE DISPUTE  
RESOLUTION PROCESS AND RETURNING PROCEEDING  
TO CHIEF JUDGE**

The Alternative Dispute Resolution (ADR) process expired by its terms on April 7, 2010. The parties have completed settlement negotiations and a Consent Agreement and Final Order ("CAFO") has been exchanged but not filed. Accordingly, the ADR process is terminated and this proceeding is returned to the Chief Judge.

Dated this 21<sup>st</sup> day of April 2010.

So Ordered.

  
Spencer T. Nissen  
Administrative Law Judge

Dated: April 21, 2010  
Washington, D.C.

In the ADR Matter of *Kmart Corporation*, Respondent.  
Docket No. RCRA-02-2009-7147

CERTIFICATE OF SERVICE

I hereby certify that the foregoing **Order Terminating Alternative Dispute Resolution Process and Returning Proceeding to Chief Judge**, dated April 21, 2010, was sent this day in the following manner to the addressees listed below.

  
\_\_\_\_\_  
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Original and One Copy by Pouch Mail to:

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**Dated: April 21, 2010**  
**Washington, D.C.**