



UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY

BEFORE THE ADMINISTRATOR

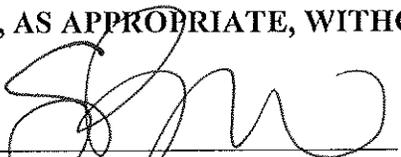
In the Matter of: )  
)  
NUSSER OIL COMPANY, ) Docket No. CWA-07-2010-0011  
)  
Respondent. )

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 (the "Rules of Practice") (40 C.F.R. Part 22). The parties are advised to familiarize themselves with both the applicable statute(s) and the Rules.

The record indicates that on May 26, 2010, the Neutral Judge terminated the Alternative Dispute Resolution Process in this case, reported that the parties had reached a settlement, and that they were in the process of preparing their Consent Agreement and Final Order (CAFO). Therefore, the Complainant is hereby ORDERED to file the fully executed Consent Agreement and Final Order memorializing the settlement no later than June 28, 2010, with a copy contemporaneously sent to the undersigned by facsimile and mail.<sup>1</sup>

**FAILURE TO SUBMIT THE CONSENT AGREEMENT IN A TIMELY MANNER MAY RESULT IN ENTRY OF AN ORDER OF DISMISSAL WITH PREJUDICE OR DEFAULT, AS APPROPRIATE, WITHOUT FURTHER NOTICE.**

  
\_\_\_\_\_  
Susan L. Bire  
Chief Administrative Law Judge

Dated: May 27, 2010  
Washington, D.C.

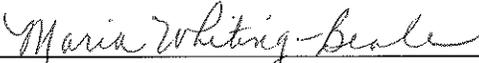
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<sup>1</sup> Pursuant to an Intra-Agency Agreement, the Headquarters' Hearing Clerk is currently serving as the Regional Hearing Clerk for Region 7. Therefore, all filing in this matter shall be addressed to her as follows: Ms. Sybil Anderson, Headquarters' Hearing Clerk, Office of Administrative Law Judges, U.S. Environmental Protection Agency, Mail Code 1900L, 1200 Pennsylvania Ave. N.W., Washington, D.C. 20460.

In the Matter of Nusser Oil Company, Respondent  
Docket No. CWA-07-2010-0011

CERTIFICATE OF SERVICE

I certify that the foregoing **Initial Prehearing Order**, dated May 27, 2010, was sent this day in the following manner to the addressees listed below:

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

Dated: May 27, 2010

Original And One Copy To:

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

Copy By Pouch Mail To:

Kristen Nazar, Esquire  
Office of Regional Counsel  
U.S. EPA  
901 North 5<sup>th</sup> Street  
Kansas City, KS 66101

Copy By Regular Mail To:

Shawn L. Stogsdill, Esquire  
Van Osdol & Magruder, P.C.  
911 Main Street, Suite 2400  
Kansas City, MO 64105