

**UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
BEFORE THE ADMINISTRATOR**

In the Matter of:)
)
Midwest Fertilizer, Inc.,) **Docket No. FIFRA-08-2010-0018**
)
 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, 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 January 31, 2011, an “Order Terminating Alternative Dispute Resolution Process and Returning Proceedings to the Chief Administrative Law Judge” was issued, stating that the parties have reached an agreement in principle in this matter.

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 1, 2011**, 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: February 7, 2011
Washington, D.C.

In the Matter of Midwest Fertilizer, Inc., Respondent
Docket No. FIFRA-08-2010-0018

CERTIFICATE OF SERVICE

I certify that the foregoing **Initial Prehearing Order**, dated February 7, 2011, was sent this day in the following manner to the addressees listed below.



Maria Whiting-Beale
Staff Assistant

Dated: February 7, 2011

Original And One Copy By Pouch Mail To:

Tina Artemis
Regional Hearing Clerk
U.S. EPA
1595 Wynkoop Street
Denver, CO 80202-1129

Copy By Pouch Mail To:

Eduardo Quintana, Esquire
Enforcement Attorney (8ENF-L)
Legal Enforcement Program
U.S. EPA
1595 Wynkoop Street
Denver, CO 80202-1129

Copy By Regular Mail To:

Edith Schneider
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26237 302nd Street
Kilgore, NE 69216