



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY BEFORE THE ADMINISTRATOR

In the Matter of:
Amerimart Development Company, Inc.,
Qual-Econ Lease Co., Inc., Commercial
Realty Fund II, MJG Enterprises, Inc., and
Clear Alternative of Western, NY, Inc.,
(d/b/a G & G Petroleum),
Respondents.

Docket No. RCRA-02-2012-7501

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INITIAL PREHEARING ORDER

As you have been notified by Order dated February 14, 2013, I am designated to preside over this proceeding. This proceeding is governed by the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits set forth at 40 C.F.R. Part 22 (the "Rules of Practice"). The parties are advised to familiarize themselves with the Rules of Practice.

The record indicates that on February 14, 2013, the Neutral Judge recommended that the Alternative Dispute Resolution ("ADR") process in this case be terminated. In her Report Recommending Termination, the Neutral Judge stated that the parties have developed a framework for settlement to settle the charges raised in the Complaint in this matter but have not reached a final agreement. The parties are commended for their diligent efforts to settle this matter, and are encouraged to continue.

Therefore, Complainant is hereby ORDERED to file a fully-executed Consent Agreement and Final Order ("CAFO") memorializing their settlement no later than March 25, 2013, and to send a copy to the office of the undersigned contemporaneously by e-mail (oaljfilng@epa.gov), or facsimile (202-565-0044).

If the parties have not executed a CAFO by that date, the parties are hereby ORDERED to file and serve instead a joint status report as to their progress towards settlement of this matter, which shall not include or state any specific settlement or project terms, offers or counteroffers.

**FAILURE TO COMPLY WITH THIS ORDER MAY RESULT IN ENTRY  
OF AN ORDER OF DISMISSAL WITH PREJUDICE OR A DEFAULT  
JUDGMENT, AS APPROPRIATE, WITHOUT FURTHER NOTICE.**

**SO ORDERED.**

A handwritten signature in black ink, appearing to read 'S. Biro', written over a horizontal line.

Susan L. Biro  
Chief Administrative Law Judge

Dated: February 25, 2013  
Washington, D.C.

In the Matter of Amerimart Development Company, Inc., Qual-Econ Lease Co., Inc.,  
Commercial Realty Fund II, MJG Enterprises, Inc., and Clear Alternative of Western, NY, Inc.,  
(d/b/a G & G Petroleum, Respondents.  
Docket No. RCRA-02-2012-7501

**CERTIFICATE OF SERVICE**

I certify that a true copy of the **Initial Prehearing Order**, dated February 25, 2013, was sent this day in the following manner to the addressees listed below:



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Mary Angeles  
Lead Legal Assistant

Original by Hand Delivery to:

Sybil Anderson  
Headquarters Hearing Clerk  
U.S. EPA, OALJ  
Mail Code 1900L  
1200 Pennsylvania Ave., NW  
Washington, DC 20460

Copy By Electronic and Regular Mail to:

Bruce Aber, Esq.  
Office of Regional Counsel  
U.S. EPA, Region II  
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New York, NY 10007-1866  
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February 25, 2013  
Washington, DC