

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

<b>In the Matter of:</b>	)	
	)	
<b>Wilkins Dairy Farm, LLC.,</b>	)	<b>Docket No. CWA-02-2010-3404</b>
	)	
<b>Respondent</b>	)	
	)	

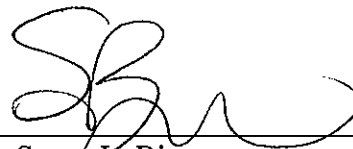
**INITIAL PREHEARING ORDER**

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 25, 2011, the government submitted a letter notifying the judge conducting the ADR proceeding that the parties have reached an agreement in principle, and are in the process of drafting a Consent Agreement and Final Order resolving 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.**



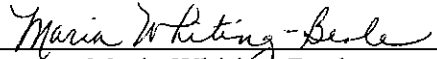
\_\_\_\_\_  
Susan L. Biro  
Chief Administrative Law Judge

Dated: February 7, 2010  
Washington, D.C.

In the Matter of Wilkins Dairy Farm, LLC, Respondent  
Docket No. CWA-02-2010-3404

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:

Karen Maples  
Regional Hearing Clerk  
U.S. EPA  
290 Broadway, 16<sup>th</sup> Floor  
New York, NY 10007-1866

Copy By Pouch Mail To:

Chris Saporita, Esquire  
Assistant Regional Counsel  
U.S. EPA  
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Copy By Regular Mail To:

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