

ENVIRONME

In t
PEN

This I
of Pre
Suspe
famili

Alter
settle
Order
Conse
with t

Dated



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
BEFORE THE ADMINISTRATOR

RECEIVED BY OALJ
2010 MAR 22 AM 11:47

In the matter of:)
)
)
Mike Vierstra)
d/b/a Vierstra Dairy,)
)
Twin Falls, Idaho)
)
)
Respondent.)
_____)

DOCKET NO. CWA-10-2009-0268
COMPLAINANT'S PREHEARING
EXCHANGE

Pursuant to 40 C.F.R. § 22.19, and the Presiding Officer's Prehearing Order dated January 13, 2010, Complainant Environmental Protection Agency ("EPA") submits this Prehearing Exchange. EPA respectfully reserves the right to supplement this Prehearing Exchange if necessary prior to hearing with proper notice to Respondent.

I. WITNESSES.

Mr. Godfrey is a State Dairy Inspector with the Idaho State Department of



UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY

BEFORE THE ADMINISTRATOR

In the Matter of:)
)
PENINSULA OIL COMPANY, INC.,) Docket No. CWA-03-2009-0288
)
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 March 19, 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 April 22, 2010, with a copy contemporaneously sent to the undersigned by facsimile and mail.

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.

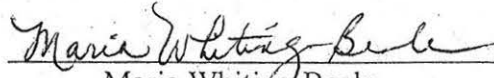
Susan L. Biro
Chief Administrative Law Judge

Dated: March 22, 2010
Washington, D.C.

In the Matter of Peninsula Oil Company, Inc., S.E., Respondent
Docket No. CWA-03-2009-0288

CERTIFICATE OF SERVICE

I certify that the foregoing **Initial Prehearing Order**, dated March 22, 2010, was sent this day in the following manner to the addressees listed below:


Maria Whiting-Beale
Staff Assistant

Dated: March 23, 2010

Original And One Copy To:

Lydia A. Guy
Regional Hearing Clerk
U.S. EPA
1650 Arch Street
Philadelphia, PA 19103-2029

Copy By Regular Mail To:

James F. Van Orden, Esquire
Assistant Regional Counsel
U.S. EPA
1650 Arch Street
Philadelphia, PA 19103-2029

John Carroll, Esquire
Pepper Hamilton, LLP
Suite 200, 100 Market Street
P.O. Box 1181
Harrisburg, PA 17108-1181