



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

BEFORE THE ADMINISTRATOR

In the Matter of:)
FRAME AND LEANY RESOURCES,) Docket No. CWA-03-2009-0097
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 December 16, 2009, the Neutral Judge terminated the Alternative Dispute Resolution Process in this case and reported that the parties had reached a settlement in principle and were in the process of finalizing a Consent Agreement and Final Order. Therefore, the parties are hereby ORDERED to file their fully executed Consent Agreement and Final Order memorializing their settlement no later than February 4, 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.

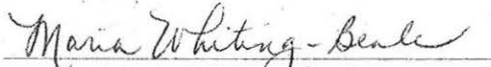
Susan L. Biro
Chief Administrative Law Judge

Dated: January 4, 2010
Washington, D.C.

In the Matter of Frame and Leany Resources, Respondent
Docket No. CWA-03-2009-0097

CERTIFICATE OF SERVICE

I certify that the foregoing **Initial Prehearing Order**, dated January 4, 2010, was sent this day in the following manner to the addressees listed below:



Maria Whiting-Beale
Staff Assistant

Dated: January 5, 2010

Original And One Copy By Pouch Mail To:

Lydia A. Guy
Regional Hearing Clerk (3RC00)
U.S. EPA
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Philadelphia, PA 19103-2029

Copy By Pouch Mail To:

Pamela J. Lazos, Esquire
Assistant Regional Counsel (3RC20)
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