

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
BEFORE THE ADMINISTRATOR

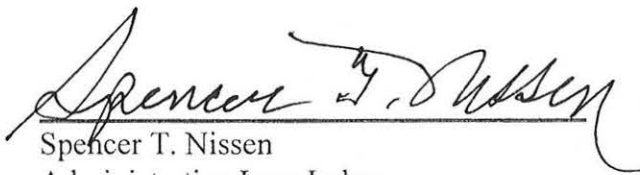
In the Matter of)
)
Kmart Corporation,) Docket No. RCRA-02-2009-7147
)

ORDER TERMINATING ALTERNATIVE DISPUTE
RESOLUTION PROCESS AND RETURNING PROCEEDING
TO CHIEF JUDGE

The Alternative Dispute Resolution (ADR) process expired by its terms on April 7, 2010. The parties have completed settlement negotiations and a Consent Agreement and Final Order ("CAFO") has been exchanged, but not filed. Accordingly, the ADR process is terminated and this proceeding is returned to the Chief Judge.

Dated this 21st day of April 2010.

So Ordered.

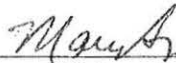

Spencer T. Nissen
Administrative Law Judge

Dated: April 21, 2010
Washington, D.C.

In the ADR Matter of *Kmart Corporation*, Respondent.
Docket No. RCRA-02-2009-7147

CERTIFICATE OF SERVICE

I hereby certify that the foregoing **Order Terminating Alternative Dispute Resolution Process and Returning Proceeding to Chief Judge**, dated April 21, 2010, was sent this day in the following manner to the addressees listed below.



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Legal Staff Assistant

Original and One Copy by Pouch Mail to:

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One Copy by Regular Mail to:

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Dated: April 21, 2010
Washington, D.C.