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**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5**

<b>IN THE MATTER OF:</b>	)	<b>DOCKET NO. CWA 05-2010-0008</b>
	)	
<b>Mr. Allen Barry and Mr. Tim Barry</b>	)	<b>Administrative Law Judge</b>
	)	<b>Barbara A. Gunning</b>
	)	
<b>d/b/a Allen Barry Livestock</b>	)	
	)	
<b>1448 Route 72 East</b>	)	
	)	
<b>Leaf River, Illinois 61010</b>	)	

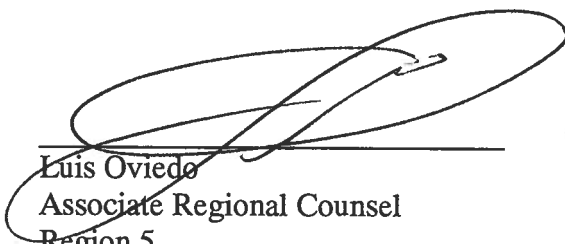
**SETTLEMENT STATUS REPORT**

1. On March 3, 2011, the Judge Barbara A. Gunning issued an order indicating that the parties hold a settlement conference before on or before March 18, 2011. This was the second such order, after Respondent's counsel failed to respond to Complainant's communications or comply with an initial order of November 30, 2010 instructing the Parties to hold a settlement conference before January 21, 2011. Respondent has been previously ordered to show cause as to why they failed to comply with the November 30, 2010 order. On March 10, 2011, Complainant's counsel wrote to Respondent's counsel advising him of his availability, and inviting him to participate in good-faith settlement discussions prior to the deadline. Exhibit 1. Counsel for Respondent did not communicate with Complainant's counsel until March 22, 2011, after the deadline had already passed.

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2. The parties were able to hold brief settlement discussions on March 23, 2011, but were unable to reach any agreement in principle. Counsel for Respondents did not have settlement authority, but resolved to obtain firm commitments from Respondent demonstrating his client's return to compliance with the Clean Water Act and his permit. As of the date of this filing, the parties have not scheduled a follow-up conference. The parties feel that additional discussions, if held in short order, may prove productive in reaching an agreed resolution to this matter.

3/25/11  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Luis Oviedo  
Associate Regional Counsel  
Region 5



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

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MAR 10 2011

REPLY TO THE ATTENTION OF:  
C-14J

**VIA FAX, ELECTRONIC AND U.S. MAIL**

Mr. James E. Meason  
Attorney at Law  
113 W. Main Street  
Rockton, Illinois 61072  
815-624-5905(FAX)  
jimmeason@yahoo.com

Re: In re: Allen Barry and Tim Barry d/b/a Allen Barry Livestock (IL 0067229)  
Docket No. V-W-07-AO-06

Dear Mr. Meason:

Enclosed please find a copy of Judge Gunning's order entered in this case on March 4, 2011. I have personally telephoned and sent you several letters during the past several months to inquire about your position on settlement and I have not received any response. Furthermore, we still do not have any plans from your client on how he intends to return to compliance with its permit.

The deadline for our settlement discussion is March 18, 2011. I am available through that date. Any communication should include documentation on how your client intends to return to compliance with his permit, and a penalty. I look forward to hearing from you.

Sincerely yours,

Luis Oviedo  
Associate Regional Counsel

cc: V. Aistars

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CERTIFICATE OF SERVICE

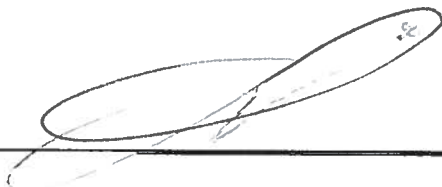
I certify that the foregoing Status Report was sent to the following persons, in the manner specified, on the date below:

Original hand-delivered: Regional Hearing Clerk (E-13J)  
U.S. EPA, Region 5  
77 W. Jackson Blvd.  
Chicago, Illinois 60604-3590

Copy by certified mail,  
return receipt requested: Mr. James Meason, Esq.  
Counsel for Respondents  
113 W. Main Street  
Rockton, IL 61072

Copy by pouch mail: Administrative Law Judge Barbara A. Gunning  
EPA Office of Administrative Law Judges  
1200 Pennsylvania Ave., NW  
Mail Code 1900L  
Washington, D.C. 20460-2001

Dated: March 25, 2011



A handwritten signature in black ink, consisting of several overlapping loops, is written over a solid horizontal line.