



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

77 WEST JACKSON BOULEVARD

CHICAGO, IL 60604-3590

REPLY TO THE ATTENTION OF:

(C-14J)

September 28, 2009

Judge Barbara A. Gunning
Office of Administrative Law Judges
U.S. Environmental Protection Agency
Mail Code 1900L
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460-2001

Re: Barton Septic Tank Service.
Docket No. CWA-05-2009-0009.

Dear Judge Gunning:

Attached, six (6) days late, please find COMPLAINANT'S STATUS REPORT for this civil administrative action which I filed today with the Regional Hearing Clerk, pursuant to your Prehearing Order, dated September 10, 2009.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeffery M. Trevino".

Jeffery M. Trevino
Associate Regional Counsel

Attachment

cc: **LaDawn Whitehead**
Regional Hearing Clerk
Region 5
U.S. Environmental Protection Agency
77 West Jackson Boulevard (E-19J)
Chicago, IL 60604-3590

Christopher B. Congeni
Brennan, Manna & Diamond, LLC
75 East Market Street
Akron, OH 44308

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY

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BEFORE THE ADMINISTRATOR

REGIONAL HEARING CLERK
U.S. ENVIRONMENTAL
PROTECTION AGENCY

IN THE MATTER OF:

BARTON SEPTIC TANK SERVICE

RESPONDENT

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DOCKET NO. CWA-05-2009-0009

COMPLAINANT'S STATUS REPORT

Complainant hereby reports to the Court the following facts and status of this civil administrative action.

1. On Friday, September 18, 2009, the parties discussed this action in an informal settlement conference.
2. Respondent agreed to provide Complainant with documentation to demonstrate its inability to pay the proposed civil penalty.
3. Upon receipt, Complaint will review the documentation and continue settlement discussions.

Respectfully submitted,



Jeffery M. Trevino
Associate Regional Counsel
Office of Regional Counsel
Region 5
U.S. Environmental Protection Agency
77 West Jackson Boulevard (C-14J)
Chicago, Illinois 60604-3590
Tel. No. (312) 886-6729
Fac. No. (312) 886-0747

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ENVIRONMENTAL PROTECTION AGENCY
BEFORE THE ADMINISTRATOR

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PROTECTION AGENCY

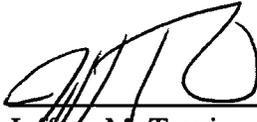
IN THE MATTER OF:)
)
BARTON SEPTIC TANK SERVICE) DOCKET NO. CWA-05-2009-0009
)
RESPONDENT)

CERTIFICATE OF SERVICE

I hereby certify that today I filed with LaDawn Whitehead, Regional Hearing Clerk, Region 5, United States Environmental Protection Agency, 77 West Jackson Boulevard (E-19J), Chicago, Illinois, 60604-3590, the original document entitled COMPLAINANT'S STATUS REPORT for this civil administrative action and I issued to the Court and Respondent by first class mail a copy of the original document:

Judge Barbara A. Gunning
Administrative Law Judge
Office of Administrative Law Judges
U.S. Environmental Protection Agency
Mail Code 1900L
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460

Christopher B. Congeni
Brennan, Manna & Diamond, LLC
75 East Market Street
Akron, OH 44308



Jeffery M. Trevino
Associate Regional Counsel.

28 Sep 2009

Dated