

REGIONAL HEARING CLERK  
REGION 5

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**  
**REGION 5**

2011 MAY 26 PM 12: 27

**In the Matter of:** )  
 )  
**Heritage-WTI, Inc.** ) **Docket No. CAA-05-2011-0012**  
**East Liverpool, Ohio,** )  
 )  
**Respondent.** )

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**COMPLAINANT'S STATUS REPORT**

Complainant, the United States Environmental Protection Agency, Region 5 hereby files this report to advise the Court of the status of the above-captioned matter.

On February 10, 2010, Chief Judge Biro initiated the ADR process to facilitate the possible settlement of EPA's allegations against Respondent, Heritage-WTI, Inc. ("WTI"), with the Honorable Judge Nissen designated as neutral. The ADR process was automatically scheduled to terminate on April 11, 2011, but was subsequently extended to May 26, 2011.

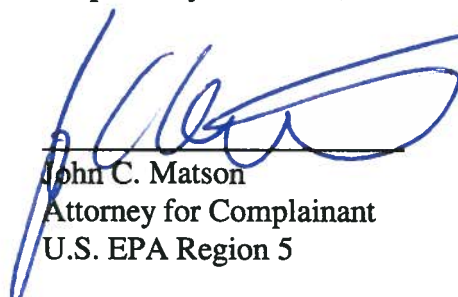
The current status of the case is that the Parties held a settlement conference in Chicago on March 15, 2011, at which they reached an agreement under which WTI would pay a cash penalty and perform a Supplemental Environmental Project ("SEP"). WTI subsequently prepared and transmitted a SEP proposal to Region 5, which Region 5 has approved. Region 5 prepared and transmitted to WTI the Consent Agreement and Final Order ("CAFO") establishing the terms of the Parties' agreement, WTI responded with comments, which Region 5 has reviewed. WTI's counsel is currently discussing with his client the value Region 5 is willing to assign to the SEP to mitigate the amount of cash penalty WTI must pay.

Based on WTI's concern, Complainant does not anticipate filing the CAFO with the Court by May 26, 2011, even though the Parties have diligently worked to finalize the settlement terms. Complainant believes it will require three to four weeks to settle the differences, have the

CAFO undergo internal sign-off and review at Region 5, and have the Regional Administrator execute and issue the Final Order. Complainant anticipates that it should be able to file the fully-executed CAFO prior to the June 30, 2011.

Respectfully submitted,

Dated: 5-26-11



John C. Matson  
Attorney for Complainant  
U.S. EPA Region 5

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**Docket No. CAA-05-2011-0012**

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CERTIFICATE OF SERVICE

I hereby certify that on May 26, 2011, a copy of Complainant's Status Report was filed by hand delivery with:

Regional Hearing Clerk  
U.S. Environmental Protection Agency  
Region 5  
77 West Jackson Boulevard  
Chicago, Illinois 60604

I further certify that on that date, I arranged for a copy of same to be sent via certified mail, return receipt requested, to the Respondent by placement of it in the custody of the United States Postal Service, addressed as follows:

Michael Scanlon, Esq.  
Barnes & Thornburg LLP  
11 South Meridian Street  
Indianapolis, Indiana 46204-3535

I further certify that on that date, I arranged for a copy of same to be sent via pouch delivery to:

Chief Administrative Judge Susan L. Biro  
Office of Administrative Law Judges  
U.S. Environmental Protection Agency  
Mail Code 1900L  
1200 Pennsylvania Ave., NW  
Washington D.C. 20460-2001

5-26-11  
Date

  
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