

**UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 8**

2012 JUL -6 PM 12: 34

IN THE MATTER OF:)
)
Maralex Disposal, LLC) **STATUS REPORT**
)
Respondent.)

FILED
EPA REGION VIII
RECEIVED IN JUNE

Complainant United States Environmental Protection Agency, Region 8 (EPA), by and through its undersigned attorney, provides the following Status Report in the above-referenced matter pursuant to the STATUS ORDER issued by the Presiding Officer on May 30, 2012.

1. An administrative hearing currently is scheduled for September 19-20, 2012.
2. The Complainant filed a Supplemental Prehearing Exchange on Tuesday, July 3, 2012. The timeframe for filing the Complainant's Supplemental Prehearing Exchange was extended from June 22, 2009, for one week through Friday, June 29, by Order of the Presiding Officer dated June 28, 2012. Although late by two days, the Complainant requests the court's lenience in accepting the information exchange because the delay resulted from Complainant's good faith efforts to 1) contact and speak with numerous persons and their employers about testifying in this matter and the probative value of their testimony prior to listing them in the Supplemental Prehearing Exchange; and 2) verify the relationship between Maralex Disposal, LLC and Maralex Resources, Inc., prior to making any reference to the latter in the Supplemental Prehearing Exchange. For reasons beyond the Complainant's control, these efforts required more time than anticipated. Complainant maintains that the two day delay in filing its supplemental information exchange does not unfairly prejudice the Respondent nor interfere with the scheduled hearing date.

3. The Respondent's Reply Prehearing Exchange is due July 6, 2012. Subject to the

court's acceptance of the Complainant's Supplemental Prehearing Exchange, the Complainant does not oppose granting the Respondent an additional week through July 13, 2012 to file its Reply Prehearing Exchange.

4. The Complainant understands that the Respondent is committed to an administrative hearing in this matter and not interested in continuing settlement discussions. The Complainant is amenable at any time prior to hearing to resuming settlement negotiations within the penalty range last discussed by the parties upon request by the Respondent.

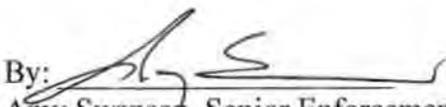
5. With regard to further actions needed prior to hearing, the Complainant respectfully suggests that the presiding officer issue a scheduling order to address prehearing matters that include but are not limited to the following:

- a. General motions and responses;
- b. Simplification of issues and stipulations of fact(s) not in dispute;
- c. Other discovery; and
- d. Accelerated decisions and/or decision to dismiss motions.

Respectfully submitted,

**UNITED STATES ENVIRONMENTAL
PROTECTION AGENCY, REGION 8**

Date: 7.6.2012

By: 
Amy Swanson, Senior Enforcement Attorney
Legal Enforcement Program
EPA Region 8
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on July 3, 2012, the original and one true copy of the STATUS REPORT hand-carried to the Regional Hearing Clerk, EPA Region 8, 1595 Wynkoop Street, Denver, Colorado, and that a true copy of the same was sent as follows:

Via hand-delivery to:

The Honorable Elyana R. Sutin
Regional Judicial Officer
U.S. EPA Region 8 (8RC)
1595 Wynkoop Street
Denver, CO 80202-1129

Via electronic and regular mail to:

Mr. William E. Zimsky, Esq.
Abadie Schill
1099 Main Street, Suite 315
Durango, CO 81301
wez@oilgaslaw.net

Date: 7.6.2012

By:  _____