UNITED STATES ENVIRONMENTAL PROTECTION AGENCY REGION III

Proceeding to Assess Class II

In The Matter of:

Civil Penalties Under Section

311(b)(6)(B) of the Clean Water Action

amended, 33 U.S.C. § 1321(b)(6)(B)

Portsmouth Boating Center, Inc.

Docket No. CWA-03-2011-0099

Portsmouth, Virginia 23704,

Respondent.

STATUS REPORT

On November 3, 2011, Chief Administrative Law Judge Susan Biro issued the Prehearing Order requiring the parties to file a status report on or before November 30, 2011.

On November 15, 2011, the parties engaged in a settlement conference. On November 30, 2011, the parties reached a settlement in principle. The parties intend to file a Consent Agreement and Final Order signed by the parties by December 16, 2011.

Complainant has discussed this status report with Respondent's counsel who has reviewed it, approved it, and given Complainant's counsel permission to represent that Respondent's counsel agrees to the facts set forth in the report.

Respectfully submitted,

te Suzanne Parent, Esq.

Senior Assistant Regional Counsel

EPA Region III 1650 Arch Street

Philadelphia, PA 19103-2029

cc: Daniel Van Orman

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY REGION III

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Civil Penalties Under Section

311(b)(6)(B) of the Clean Water Act, as

amended, 33 U.S.C. § 1321(b)(6)(B).

Portsmouth Boating Center, Inc.

Status Report

1244 Bay Street

Portsmouth, Virginia 23704,

Docket No. CWA-03-2011-0099

Respondent.

CERTIFICATE OF SERVICE

I hereby certify that the original and one copy of the foregoing Status Report for the above-captioned matter have been filed with the EPA Region III Regional Hearing Clerk and that copies of the Status Report were sent via UPS to:

> The Honorable Susan L. Biro, Chief Administrative Law Judge Office of Administrative Law Judges U.S. Environmental Protection Agency 1099 14th St., NW, Suite 350 Washington, DC 20005

Daniel J. Van Orman, Esq. 1028 Naval Avenue Portsmouth, VA 23704

I further certify that I have sent a copy of the Status Report by electronic pdf to the Honorable Susan Biro (care of Maria Whiting-Beale) and to Respondent's Counsel Daniel Van Orman on this day, November 30, 2011.

U.S. Environmental Protection

Agency, Region III