

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5

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In the Matter of:)
)
McQuay International) Docket No. EPCRA-05-2011-0002
Fairbault, Minnesota)
)
)
)
Respondent.)

STATUS UPDATE

1. On December 14, 2010, EPA held a settlement meeting with McQuay International's Vice President and General Counsel, Paul Heim, and Counsel for Respondent, Charles Helston, to attempt resolution of the alleged violations in EPA's Complaint dated October 27, 2010 and delivered by certified mail on October 29, 2010. See attached confirmation of delivery from the United States Postal Service.

2. On December 14, 2010, after negotiation, McQuay International offered to pay a sum certain as a civil penalty and to update its compliance management system (CMS) to settle this matter.

3. Counsel for EPA stated that she would draft a Consent Agreement and Final Order (CAFO) for management approval.

4. On December 21, 2010, counsel for Complainant sent Mr. Helston an email stating that she was waiting for management approval of the offer. Counsel for Complainant also asked Mr. Helston to provide the date Respondent would be able to provide EPA with an updated CMS and the name and title of the person who would be signing the CAFO.

5. On December 28, 2010, counsel for Complainant called Mr. Helston and left him a voicemail stating that EPA had accepted Respondent's offer to settle this matter.

6. On December 28, 2010, counsel for Complainant sent Mr. Helston an email stating that EPA had accepted Respondent's offer subject to the Regional Administrator signing the Final Order and attached the draft CAFO for Respondent's review. In the email, counsel for Complainant requested any comments on the CAFO by January 4, 2011.

7. In the December 28, 2010 email to Mr. Helston, counsel for Complainant also requested that Mr. Helston identify the appropriate Respondent in this matter.

8. In the December 28, 2010 email to Mr. Helston, counsel for Complainant also requested that Mr. Helston provide the information in the December 21, 2010 email as described above.

9. In light of the parties' agreed settlement and the amount of time counsel for Respondent has had to prepare an Answer since initially contacting counsel for Complainant on November 29, 2010 regarding an extension of time, EPA no longer believes that good cause exists for an extension of time to file an Answer.

10. Accordingly, EPA withdraws its concurrence for any extension of time in which to file an Answer.

Dated: January 3, 2011

Tamara Carnovsky
Tamara Carnovsky
Associate Regional Counsel
Attorney for Complainant

In the Matter of McQuay International
Docket No. EPCRA-05-2011-0002

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CERTIFICATE OF SERVICE

I certify that the foregoing Status Update, dated January 3, 2011, was sent this day in the following manner:

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Judge Marcy A. Toney
Regional Judicial Officer
U.S. Environmental Protection
Agency, Region 5
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Chicago, IL 60604-3590

Regional Hearing Clerk
U.S. Environmental Protection
Agency, Region 5
77 West Jackson Boulevard
Chicago, IL 60604-3590

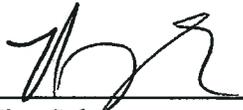
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Pesticides and Toxics Compliance Section
U.S. Environmental Protection
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77 West Jackson Boulevard
Chicago, IL 60604-3590

Copy by U.S. Mail First Class and fax to:

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Dated: 01-03-11

By: 
Nina Johnson
Administrative Program Assistant



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