



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

REPLY TO THE ATTENTION OF:

C-14J

May 17, 2012

The Honorable Susan L. Biro, Chief Administrative Law Judge
Office of Administrative Law Judges
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W., Mail Code 1900L
Washington, D.C. 20460

Re: In the Matter of McCook Cold Storage Corporation, Docket No. EPCRA-05-2012-0005

Dear Judge Biro:

Enclosed please find Complainant's Second Status Report in the above-mentioned matter.

Sincerely,

A handwritten signature in blue ink that reads "Cathleen R. Martwick".

Cathleen R. Martwick
Associate Regional Counsel

Enclosure

cc: Lloyd M. Sonenthal (w/ encl.)

2012 MAY 17 PM 2:40
RECEIVED
REGIONAL HEARING CLERK
U.S. EPA REGION 5

**UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY**

BEFORE THE ADMINISTRATOR

In the Matter of:)
)
McCook Cold Storage Corporation,) Docket No. EPCRA-05-2012-0005
)
Respondent.)

RECEIVED
REGIONAL HEARING CLERK
U.S. EPA REGION 5
2012 MAY 17 PM 2:40

COMPLAINANT'S SECOND STATUS REPORT

Pursuant to this Court's Prehearing Order dated April 9, 2012, Complainant United States Environmental Protection Agency ("EPA"), submits this report regarding the status of settlement. EPA and Respondent McCook Cold Storage (hereinafter "Parties"), are working diligently on mediation efforts. As previously reported the Parties selected the mediator, James Kohanek, to assist in the settlement process. The Parties had a joint preliminary call with Mr. Kohanek on May 3, 2012 to set up individual calls as well as a face-to-face meeting. Individual calls were conducted the following week and on May 16th, the Parties held their first substantive mediation session in Chicago. While the Parties made progress toward settlement, no settlement has been achieved at this point. EPA requested additional financial information to further consider Respondent's inability to pay claim. Respondent informed EPA it hopes to provide additional financial information as well as information on a Supplemental Environmental Project by May 24th. EPA will then evaluate the information. The Parties will continue to diligently work on mediation efforts.

Respectfully Submitted



Cathleen R. Martwick
Associate Regional Counsel
Office of Regional Counsel
U.S. EPA Region 5
77 West Jackson Blvd.
Chicago, IL 60604

CERTIFICATE OF SERVICE

In the Matter of McCook Cold Storage Corporation
Docket No. EPCRA-05-2012-0005

Certificate of Service

I certify that the foregoing "Complainant's Second Status Report," dated May 17, 2012, was sent this day in the following manner to the addresses listed below:

Original and one copy hand –delivered to:

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

Copy via Regular Mail to:

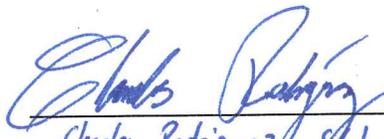
Attorney for Respondent:

McCook Cold Storage Corporation
c/o Lloyd M. Sonenthal
Attorneys at Law
Three First National Plaza
70 West Madison Street, Suite 400
Chicago, Illinois 60602

Presiding Judge:

The Honorable Susan L. Biro, Chief Administrative Law Judge
Office of Administrative Law Judges
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W., Mail Code 1900L
Washington, D.C. 20460

05/17/12
Date



Charles Rodriguez, Student Aide

RECEIVED
REGIONAL HEARING CLERK
U.S. EPA REGION 5
2012 MAY 17 PM 2:40