

THE UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 4

In the matter of:

Kanchanal Patel
1420 U.S. Highway 19 South
Leesburg, Georgia 31763

Respondent

) DOCKET NO: RCRA-UST-04-2008-000

) Proceeding under Section 9006
) of the Resource Conservation
) and Recovery Act, as amended
) 42 U.S.C. § 6991e
)
)
)

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STATUS REPORT

On October 7, 2008, the parties participated in their first Alternative Dispute Resolution (ADR) conference call with Judge Nissen. EPA briefed Judge Nissen as follows:

The parties have conferred for the purposes of settlement and have reached an agreement in principle. During settlement discussions Respondent raised an inability to pay argument, and submitted tax returns to EPA supporting that position. EPA evaluated Respondent's tax returns and determined that Respondent was unable to pay a civil penalty. The parties have reached an agreement in principle wherein Respondent will not be charged a civil penalty, but where Respondent will agree to bring all USTs, at the one facility that he currently owns, into UST compliance, and to certify to the same. EPA is currently drafting the Consent Agreement and Final Order (CAFO) that will memorialize this settlement, and hopes to be able to send it to Respondent in the next couple of weeks. The parties are hopeful that this matter can be settled by the end of the ADR period which is November 18, 2008.

Respectfully submitted on this 10th day of October, 2008.



Deborah S. Benjamin
Associate Regional Counsel
U.S. EPA, Region 4

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CERTIFICATE OF SERVICE

I certify that a Status Report and the Certificate of Service for the above reference matter was sent this 14 day, 2008, to the following persons in the following manner:

Federal Express - One copy:

Judge Spencer Nissen
U.S. EPA, Office of Administrative Law Judges
1099 14th Street, N.W.
Suite 350
Washington, DC 20005

Hand Delivery - Original and one copy:

Patricia Bullock
Regional Hearing Clerk
U.S. Environmental Protection Agency
Sam Nunn Federal Center
61 Forsyth Street, S.W.
Atlanta, GA 30303-8909

Certified Mail, Return Receipt Requested - One copy:

Debi Bailey
208 North Magnolia St.
Albany, Georgia 31707

Hand Delivery - One copy:

Deborah S. Benjamin
Associate Regional Counsel
U.S. Environmental Protection Agency
Sam Nunn Federal Center
61 Forsyth Street, S.W.
Atlanta, GA 30303-8909

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October 14, 2008

A handwritten signature in cursive script that reads "Chalon Davis". The signature is written in black ink and is positioned above a horizontal line.

Chalon Davis

Legal Tech

Office of Environmental Accountability

U.S. Environmental Protection Agency

61 Forsyth St., 13th Floor

Atlanta, GA 30303-3104