

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 8

2012 MAY -7 PM 3:29

FILED
REGION VIII
RECORDING CLERK

IN THE MATTER OF:)	STATUS REPORT
)	
Gowan Construction, Inc.)	Docket No. CWA-08-2011-0039
P.O. Box 228)	
Oslo, MN 56744)	
and)	
North Dakota Dept. of Transportation)	
608 E. Boulevard Ave.)	
Bismark, ND 58505)	
)	
Respondents.)	

Pursuant to Judge Gunning's request in the April 18, 2012, Alternative Dispute Resolution (ADR) conference, undersigned counsel for Complainant provides this Status Report regarding the progress made by the parties in finalizing a settlement.

1. Since the April 18, 2012, ADR conference, Complainant and Respondent North Dakota Department of Transportation (NDDOT) have exchanged additional drafts of the Consent Agreement in this matter.

2. On May 7, 2012, counsel for Complainant and NDDOT were able to resolve the outstanding issues. Based on this resolution, counsel for Complainant will make the necessary changes to the Consent Agreement and route the revised document to counsel for both Respondents for review and signature.

3. Counsel for Gowan Construction, Inc. (Gowan) has reviewed the Consent Agreement, except for those portions pertaining to NDDOT. Complainant believed it prudent to resolve that portion of the Consent Agreement specific to NDDOT prior to sharing that portion with counsel for Gowan. Counsel for Gowan has approved the Consent Agreement provisions

(other than the provisions pertaining only to NDDOT), and has requested one change pertaining to the timing of payment of the civil penalty. In the April 18, 2012, ADR conference, counsel for Gowan conveyed his client's request that it be allowed to pay the civil penalty in three equal installments over the course of one year. Complainant has agreed to this request and modified the Consent Agreement accordingly.

4. Pending counsel for Gowan's review of the entire Consent Agreement, it is counsel for Complainant's expectation that this matter will be settled.

Respectfully submitted this 7th day of May, 2012,



Sheldon H. Muller
Senior Attorney
Counsel for Complainant

CERTIFICATE OF SERVICE

I certify that the foregoing Status Report, dated May 7, 2012, was filed/sent this day in the following manner to the addressees listed below.

Date: May 7, 2012

Judith M. McTernan

Original and one copy filed in person with:

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