



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

REPLY TO THE ATTENTION OF:

C-14J

July 5, 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 Fourth 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.)

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY

BEFORE THE ADMINISTRATOR

In the Matter of:)

McCook Cold Storage Corporation,)

Respondent.)

Docket No. EPCRA-05-2012-0005

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COMPLAINANT'S FOURTH STATUS REPORT

Pursuant to this Court's Prehearing Order dated April 9, 2012 and Order on Renewed Joint Motion for Stay of Proceedings dated June 13, 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, on June 7 the Parties held a joint conference call to determine next steps and scheduled a follow-up conference call for June 14. EPA also requested additional financial information and renewed its request for SEP proposal information. During the June 7 conference call Respondent stated it hoped to provide the additional financial information by Monday, June 11 and the SEP proposal as soon as possible. Additionally on June 7, after the conference call, EPA memorialized its request for additional financial information and SEP proposals by sending an email request. On June 13 Respondent provided additional information related to financial issues, but no documents. Respondent also stated it would try to provide additional information and answers to EPA's questions. The Parties held the follow-up mediation conference call on June 15, instead of June 14. The Parties discussed financial information, next steps and scheduled a face-to-face mediation meeting for June 27 in Chicago. Additionally, EPA presented a settlement offer to Respondent. Respondent stated it hoped to have a response to the settlement offer by June 20.

On June 27 the Parties participated in a face-to-face mediation session. EPA again requested the outstanding financial information and SEP proposal information previously requested. EPA also requested additional financial information and maintenance and safety inspection records. Respondent stated it would gather the requested information and submit as soon as possible, and attempt to provide some of the information by the end of that week. Respondent did not provide any information by the end of the week. On Monday July 2, EPA

In the Matter of:
McCook Cold Storage Corporation
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sent an email requesting that Respondent provide a date by which it intended to provide the previously requested information and stating that it would like the information as soon as possible. On July 2, Respondent responded by email stating that they are working on the request and provided a short summary of the information that will be conveyed. Respondent has not provided a date by which it will provide the information nor has Respondent responded to the settlement offer EPA proposed.

As soon as EPA receives the requested information, EPA will evaluate it. Although settlement has not yet been achieved, the Parties plan to continue to diligently work on mediation efforts and settlement.

Respectfully Submitted



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

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McCook Cold Storage Corporation
Docket No. 05-2012-0005

CERTIFICATE OF SERVICE

I certify that the foregoing "Complainant's ^{Fourth} ~~Second~~ Status Report," dated July 5 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:

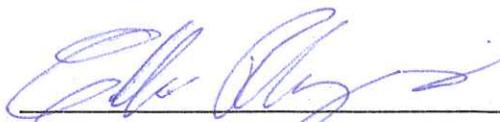
Attorney for Respondent:

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

7-5-12
Date


CHARLES RODRIGUEZ, STUDENT AIDE

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