



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

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C-14J

REPLY TO THE ATTENTION OF:

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, DC 20460

Re: Misch Excavating, LLC, d/b/a Rooterman
Docket No. CWA-05-2011-0003

Dear Chief Administrative Law Judge Biros:

Pursuant to your March 16, 2011, Prehearing Order, I am enclosing a Status Report for the above-referenced matter.

Respectfully submitted,

Maria Gonzalez
Associate Regional Counsel
U.S. Environmental Protection Agency, Region 5
77 W. Jackson Blvd.
Chicago, Illinois 60604
(312) 886-6630

Enclosures

cc w/ enclosures: Thomas W. Daggett
Regional Hearing Clerk

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5

)	
)	Docket No. CWA-05-2011-0003
IN THE MATTER OF:)	
)	Proceeding to Assess a
MISCH EXCAVATING, LLC)	Class II Civil Penalty
d/b/a ROOTERMAN)	Pursuant to Section
DOWN, ILLINOIS 61736)	309(g) of the Clean
)	Water Act, 33 U.S.C.
RESPONDENT.)	§ 1319(g)
)	
)	
)	

STATUS REPORT

COMPLAINANT, the Director of the Water Division, through one of its attorneys, hereby submits a status report pursuant to the Presiding Officer's March 16, 2011, Prehearing Order:

1. Representatives of Complainant and Complainant's counsel met with Respondent's counsel on February 25, 2011, to discuss settlement.
2. Respondent participated by phone.
3. On March 2, 2011, Complainant's counsel sent Respondent's counsel historical documents as a follow-up to the February 25, 2011 meeting.
4. Complainant's counsel left a message for Respondent's counsel on March 22, 2011, inquiring whether Respondent wanted to hold further meetings prior to April 1, 2011.
5. Counsel exchanged messages on the status of settlement negotiations on March 29, 2011, and spoke by phone on April 5, 2011.

6. The parties are still in negotiations.

Respectfully submitted,



Maria E. Gonzalez
Associate Regional Counsel
U.S. Environmental Protection Agency
77 West Jackson Blvd.
Chicago, Illinois 60604
(312) 886-6630

*In the Matter of: Misch Excavating LLC,
d/b/a Rooterman
Docket No. CWA-05-2011-0003*

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CERTIFICATE OF SERVICE

I hereby certify that today I filed the original and one copy of COMPLAINANT'S STATUS REPORT in the office of the Regional Hearing Clerk (E-19J), U.S. Environmental Protection Agency, Region 5, 77 W. Jackson Boulevard, Chicago, IL 60604-3590


I then mailed a true and accurate copy of the filed document to:

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

Thomas W. Daggett
Daggett Law Firm
161 N. Clark Street, Suite 4950
Chicago, IL 60601

I also sent a courtesy copy to oaljfilng@epa.gov

dated: April 6, 2011



Donald E. Ayres,
Paralegal Specialist, MM2-4
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U.S. EPA Region 5
77 W. Jackson Blvd.
Chicago, IL 60604-3590
(312) 353-6719