

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 8

Docket No. FIFRA-08-2008-0025

2009 MAY 11 AM 10:01

EPA REGION VII
HEARING CLERK

In the Matter of:)
)
ChemStation of Denver)
4800 Lima Street)
Denver, CO 80239)
)
)
Respondent)
)

STATUS REPORT

Complainant, United States Environmental Protection Agency- Region 8 (EPA), files this STATUS REPORT for the purpose of conveying recent settlement activity to the newly assigned litigation judge in this matter, Chief Administrative Law Judge Susan Biro. Judge Biro was assigned by Order of Designation dated May 7, 2009. Administrative Law Judge Barbara A. Gunning presided as the designated neutral in an alternative dispute resolution proceeding in this matter over an eight month period which concluded on May 5, 2009. The ADR proceeding was allowed an extraordinary and unusual extension of time.

The parties have reached a settlement in principle that will resolve all issues in this matter. The parties have exchanged views on acceptable language for use in a Consent Agreement. The remaining task is finalizing terms of a Supplemental Environmental Project. Both Respondent and Complainant are expeditiously engaged to finalize acceptable terms of the SEP this week.

Respectfully submitted,

**UNITED STATES ENVIRONMENTAL
PROTECTION AGENCY, REGION 8**

Date: May 11, 2009

By:



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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on May 11, 2009, the original and one copy of the COMPLAINANT'S STATUS REPORT were sent via inter-office mail to the Regional Hearing Clerk, EPA Region 8, 1595 Wynkoop Street, Denver, Colorado, and that true copies of the same were sent as follows:

Via pouch mail and facsimile to:

The Honorable Susan L. Biro
Chief Administrative Law Judge
Office of Administrative Law Judges (Mail Code 1900L)
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460
Facsimile: (202) 565-0044

Via regular mail and e-mail to:

Stephen J. Axtell, Esq.
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"Axtell, Stephen" <Stephen.Axtell@thompsonhine.com>

Date: May 11, 2009

By:



Dana J. Stotsky, Esq.