UNITED STATES ENVIRONMENTAL PROTECTION AGE REGION 5

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)	Docket No. CERCLA-05-2008 1908 FIR CHARNE
)	05-2008-0013, MM-05-2008-0003 OTECTION AGENCY
)	Proceeding to Assess a Civil Penalty Under
)	Section 109(b) of the Comprehensive
)	Environmental Response, Compensation, and
)	Liability Act, and Section 325(b)(2) of the
)	<b>Emergency Planning and Community Right-</b>
	to-Know Act of 1986
	)

## **Status Report**

- 1. As requested by Administrative Law Judge Gunning during the October 30, 2008 status conference call, the Complainant files the following status report concerning finalization of the Consent Agreement and Final Order (CAFO) setting forth a settlement of this case.
- 2. As indicated during the conference call, the parties have reached settlement in principle.
- 3. Complainant sent the final draft of the CAFO to Respondent on October 21, 2008 for signature.
- 4. Complainant received an executed copy of the CAFO on November 10, 2008 from Respondent.
- 5. The CAFO currently is being routed through sign-off within the Region and Complainant anticipates that it will be finalized and filed as soon as possible.

U.S. Environmental Protection Agency, Complainant

11/14/08 Date

Thomas J. Kenney

Senior Attorney

Office of Regional Counsel

In the Matter of: ACH Food Companies, Inc. Docket No. CERCLA-05-2008-0008, EPCRA-05-2008-0013, MM-05-2008-0003

## **Certificate of Service**

I, Thomas J. Kenney, certify that I hand delivered one Original and one copy of the Status Report to the Regional Hearing Clerk, Region 5, United States Environmental Protection Agency; mailed by Pouch Mail a copy to the Administrative Law Judge; and mailed a copy by Regular Mail to ACH Food Companies, Inc.s' Counsel by placing it in the custody of the United States Postal Service addressed as follows:

Original and One Copy Hand Delivered:

One Copy by Regular Mail to:

Tywanna Greene Acting Regional Hearing Clerk U.S. EPA, Region V, MC-13J 77 West Jackson Blvd., 13<sup>th</sup> Floor Chicago, IL 60604-3590

Bryan E. Keyt Bryan Cave LLP 161 North Clark Street Suite 4300 Chicago, Illinois 60601

One Copy by Pouch Mail to:

Barbara A. Gunning Administrative Law Judge U.S. Environmental Protection Agency Ariel Rios Building 1200 Pennsylvania Avenue, N.W. Mail Code: 1900L Washington, DC 20460

on the 14th day of November, 2008

Thomas J. Kenney

U.S. Environmental Protection Agency

Region 5