## UNITED STATES ENVIRONMENTAL PROTECTION AGENCY OCT

In the Matter of:	)	REGIONAL HEARING CLERK Docket No. EPCRA-05-2008-0909 RONMENTAL PROTECTION AGENCY
Libra Industries, Inc.	)	Proceeding to Assess a Civil Penalty
Mentor, Ohio,	)	Under Section 325(c) of the Emergency
	)	Planning and Community Right-to-Know
Respondent.	* )	Act of 1986, 42 U.S.C. § 11045(c)
	)	

## **STATUS REPORT**

Complainant respectfully files this status report in accordance with the Presiding Officer's October 20, 2008, Prehearing Order.

On January 3, 2008, the United States Environmental Protection Agency filed a civil administrative complaint seeking penalties against Respondent Libra Industries, Inc., for violations of the Emergency Planning and Community Right-to-know Act. Respondent filed and perfected service of process of its Answer on July 16, 2008.

On October 31, 2008, the parties reached a settlement in principle to resolve the above-captioned matter. We intend to file a Consent Agreement and Final Order resolving this matter prior to November 21, 2008, as required by the Prehearing Order.

Respectfully submitted,

Ann L. Coyle

Associate Regional Counsel

U.S. Environmental Protection Agency Region 5

77 West Jackson Boulevard (C-14J)

Chicago, Illinois 60604-3590

312.886.2248

RECEIVED OCT 3 1 2008

In the Matter of: Libra Industries, Inc. Docket No.: EPCRA-05-2008-0005

REGIONAL HEARING CLERK U.S. ENVIRONMENTAL PROTECTION AGENCY

## **CERTIFICATE OF SERVICE**

I, Cynthia Dixon, certify that I filed the original of this STATUS REPORT with U.S. EPA Region 5's Regional Hearing Clerk on October 3/, 2008. In addition, I delivered, by pouch mail, a true and accurate copy to:

Honorable Susan L. Biro Office of Administrative Law Judges (1900L) U.S. Environmental Protection Agency 1200 Pennsylvania Avenue, N.W. Washington, DC 20460

I also mailed true and accurate copies, by certified mail, return receipt-requested, to:

Mr. Max Dehn Cavitch Familo Durkin & Frutkin 1717 East Ninth Street, 14<sup>th</sup> Floor Cleveland, OH 44114

dated: October <u>3/</u>, 2008

1