

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 8


2010 JAN 28 PM 4: 04

FILED
EPA REGION VIII
HEARING CLERK

IN THE MATTER OF:) Docket No. CWA-08-2009-0006
)
)
Fulton Fuel Company) **STATUS REPORT**
127 Main Street)
P.O. Box 603)
Shelby, Montana 59474)
)
)
Respondent.)

On January 14, 2010 during a status call on the above referenced matter, the Regional Judicial Officer Elyana R. Sutin (RJO), requested the parties report on the status of settlement negotiations by no later than January 29, 2010. Specifically, the RJO requested a report indicating whether or not settlement was highly likely. At this time, the parties have not been able to reach a settlement agreement. Counsel for the Respondent has been advised of the contents of this status report prior to its filing.

Dated: 01/28/2010



Marc Weiner, Enforcement Attorney
Legal Enforcement Program
U.S. EPA, Region 8 (Mail Code: 8ENF-L)
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Denver, CO 80202
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that the Status Report was delivered in the following manner on the date below:

Original and one copy via hand delivery to:

The Honorable Elyana R. Sutin
Regional Judicial Officer
U.S. EPA Region 8 (8RC)
1595 Wynkoop Street
Denver, CO 80202-1159

and via U.S. first class mail to:

Mr. William M. Fulton, Jr., Registered Agent
Fulton Fuel Company
127 Main Street
P.O. Box 603
Shelby, MT 59474

And

Douglas Allen, Esq.
153 Main Street
P.O. Box 873
Shelby, MT 59474

1/28/2010
Date

Judith M. McTernan
Judith M. McTernan