

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5 77 WEST JACKSON BOULEVARD CHICAGO, IL 60604-3590 EGIONAL GEORGIG CLERK U.S. EPA REGION 5

2011 AUG 23 PM 3: 53

AUG 23 2011

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 June 13, 2011 Order Scheduling Hearing, 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

HE SEA BEDINE

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY REGION 5

2011 AUG 23 PM 3: 53

	,	
)	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
DOWNS, ILLINOIS 61736)	309(g) of the Clean
)	Water Act, 33 U.S.C.
RESPONDENT.)	§ 1319(g)
)	-
	í	

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 June 13, 2011 Order Scheduling Hearing:

- 1. Settlement conference calls were held on July 21, 2011, between the parties' counsel; and on August 17, 2011, between a representative and counsel for Complainant and Respondent's counsel.
- 2. The parties have exchanged a few offers; but have not reached agreement at this time.
- 3. Respondent's Counsel has also indicated that Respondent will be submitting more current information on ability to pay.
- 4. 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 ExcavatingLLC, d/b/a Rooterman
Docket No. CWA-05-2011-0003

U.S. EPA REGION 5

2011 AUG 23 PM 3: 53

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 also mailed today a true and accurate copy, by first class mail, to each of the following:

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 faxed a courtesy copy to Judge Biro.

dated: August 23, 2011

Donald E. Ayres,

Paralegal Specialist, MM2-4 Office of Regional Counsel

U.S. EPA Region 5

77 W. Jackson Blvd.

Chicago, IL 60604-3590

(312) 353-6719