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HEARINGS CLERK
EPA -- REGION 10

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

BEFORE THE ADMINISTRATOR

In the Matter of:)	
JOSEPH OH and HOLLY INVESTMENT, LLC))	Docket No. RCRA-10-2011-0164
Respondents	,) ,)	*

STATUS REPORT

Pursuant to the Prehearing Order issued on December 7, 2011, Complainant hereby submits the following report on the status of settlement negotiations in the matter referenced above.

Complainant agreed to meet in a settlement conference with Respondent Joseph Oh and his business associate and paralegal, Gregory Tift, on three separate occasions: November 30, December 14, and December 20, 2011, at times Mr. Tift indicated that he and Mr. Oh would be

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U.S. Environmental Protection Agency 1200 Sixth Avenue, Suite 900, ORC-158 Seattle, Washington 98101 206-553-1037 available to meet. Shortly before each meeting, Mr. Tift contacted counsel for Complainant

requesting that the meeting be postponed because he and/or Mr. Oh were no longer available to

meet or needed additional time to prepare for the meeting.

On December 21, 2011, counsel for Complainant offered to meet with Mr. Oh and Mr.

Tift on December 30, 2011. On December 29th, Mr. Tift informed counsel for Complainant that

Mr. Oh was unable to meet on December 30th.

Because of the repeated cancellations of previously scheduled meetings, Complainant has

not been able to conduct settlement negotiations with Mr. Oh by telephone or in person. Almost

all of Complainant's contacts with Mr. Oh since the filing of the Complaint have been through

Mr. Tift. When Complainant's case developer phoned Mr. Oh on December 16th in preparation

for the December 20th settlement meeting, Mr. Oh indicated that he would have Mr. Tift contact

her. The December 20th settlement meeting was subsequently cancelled because Mr. Oh was no

longer available. Mr. Oh also failed to respond to a voicemail message left for him by counsel

for Complainant on December 20th. Meanwhile, counsel for Complainant has had several

telephone conversations with Mr. Tift concerning the actions Mr. Oh must take to come into

compliance with the underground storage tank requirements at the Totem Grocery facility, but

such conversations have not involved negotiation of a settlement agreement, nor has Mr. Oh

participated in those conversations.

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Complainant's attempts to meet with Mr. Oh to negotiate a settlement agreement have thus far been unsuccessful. Therefore, Complainant will proceed with filing its prehearing exchange in accordance with the deadline set forth in the Prehearing Order.

Respectfully submitted this 5th day of January, 2012.

Deborah E. Hilsman

Assistant Regional Counsel

U.S. Environmental Protection Agency

Region 10

CERTIFICATE OF SERVICE

I certify that the original of the foregoing Status Report was hand delivered to the Regional Hearing Clerk today for filing and that a true and correct copy was sent to the following by the method indicated below:

By First Class Mail (Pouch) and Email (oaljfiling@epa.gov):

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

By First Class Mail and Email (josephoh405@gmail.com and oh.joseph@ymail.com):

Joseph Oh 4905 70th Avenue West University Place, WA 98467

Signature
Print Name: Sharon Eng
Title: Paralegal

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