



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

REPLY TO THE ATTENTION OF:

C-14J

June 8, 2012

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

Re: In the Matter of Summit Cold Storage Corporation, Docket No. EPCRA-05-2012-0006

Dear Judge Biro:

Enclosed please find Complainant's Third Status Report in the above-mentioned matter.

Sincerely,

A handwritten signature in cursive script that reads "Cathleen R. Martwick".

Cathleen R. Martwick
Associate Regional Counsel

Enclosure

cc: Lloyd M. Sonenthal (w/ encl.)

**UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY**

BEFORE THE ADMINISTRATOR

In the Matter of:)
)
Summit Cold Storage Corporation,) Docket No. EPCRA-05-2012-0006
)
Respondent.)

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COMPLAINANT'S THIRD STATUS REPORT

Pursuant to this Court's Prehearing Order dated April 9, 2012, Complainant United States Environmental Protection Agency ("EPA"), submits this report regarding the status of settlement. EPA and Respondent Summit Cold Storage (hereinafter "Parties"), are working diligently on mediation efforts. As previously reported the Parties held their first substantive mediation session in Chicago on May 16. After the mediation meeting on May 16, EPA requested additional financial information to further consider Respondent's inability to pay claim and additional information on its supplemental environmental project (SEP) proposals. Respondent provided some financial information on May 21 and May 22. On May 25, EPA requested that Respondent clarify certain information. On May 29 Respondent provided additional financial information. On June 5 EPA notified Respondent that some previously requested information had yet to be submitted. Respondent provided additional financial information on June 6. On June 7, the Parties held a joint conference call to determine next steps and scheduled a follow-up conference call for June 14. EPA also requested additional financial information and renewed its request for SEP proposal information. During the conference call Respondent stated it hoped to provide the additional financial information by Monday, June 11 and the SEP proposal as soon as possible. Additionally on June 7, after the conference call, EPA memorialized its request for additional financial information and SEP proposals by sending an email request. As soon as EPA receives the requested information, EPA will evaluate it. Although settlement has not yet been achieved, the Parties plan to continue to diligently work on mediation efforts and settlement.

**In the Matter of Summit Cold Storage Corporation
Docket No. EPCRA-05-2012-0006**

CERTIFICATE OF SERVICE

I certify that the foregoing "Complainant's Second Status Report," dated 6/8/12, 2012, was sent this day in the following manner to the addresses listed below:

Original and one copy hand-delivered to:

Regional Hearing Clerk
U.S. EPA, Region 5
77 West Jackson Boulevard
Chicago, Illinois 60604

Copy via Regular Mail to:

Attorney for Respondent:

Summit Cold Storage Corporation
c/o Lloyd M. Sonenthal
Attorneys at Law
Three First National Plaza
70 West Madison Street, Suite 400
Chicago, Illinois 60602

Presiding Judge:

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

6/8/12
Date



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