



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

JUL 09 2010

REPLY TO THE ATTENTION OF:

C-14J

BY INTEROFFICE POUCH

Honorable Barbara A. Gunning
Office of Administrative Law Judges
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460

**RE: Kenneth Kosmoski and Kristin Gillan
Docket No. TSCA-05-2010-0006**

Dear Judge Gunning:

Please find enclosed a copy of Complainant's Status Report, filed pursuant to your May 20, 2010, Prehearing Order.

Sincerely yours,

A handwritten signature in black ink that reads "Ann L. Coyle".

Ann L. Coyle
Associate Regional Counsel

Enclosure

cc: Lisa Paul
Elizabeth Gamsky Rich



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5

RECEIVED
REGIONAL HEARING CLERK
U.S. EPA REGION 5
2010 JUL -9 PM 3:01

In the Matter of:)	Docket No. TSCA-05-2010-0006
)	
Kenneth Kosmoski and Kristin Gillan)	Proceeding to Assess a Civil Penalty
Shorewood, Wisconsin)	Under Section 16(a) of the Toxic Substances
)	Control Act, 15 U.S.C. § 2615(a)
Respondents.)	
<hr/>)	

Status Report

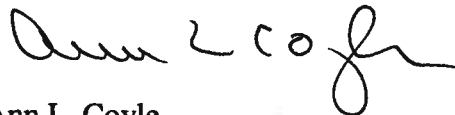
Complainant respectfully files this status report in accordance with the Presiding Officer's May 20, 2010, Prehearing Order.

On February 3, 2010, the U.S. Environmental Protection Agency, Region 5, filed a civil administrative complaint against Respondents Kenneth Kosmoski and Kristin Gillan for violations of the Toxic Substances Control Act. Respondent Kosmoski filed his answer to the complaint and requested a hearing on April 5, 2010. Respondent Gillan filed her answer to the complaint and requested a hearing on April 12, 2010.

In accordance with your Prehearing Order, the parties held a settlement conference on June 8, 2010. During that meeting, Complainant requested financial information from Respondent Gillan and asked that Respondents jointly provide EPA with a proposal on how liability should be allocated in this matter. As of this filing, EPA has not received the information it requested from Respondents at the settlement meeting; however, the parties continue to negotiate in good faith and EPA anticipates receiving a settlement offer from Respondent Kosmoski during the week of July 12, 2010.

Respondents have reviewed and concur with this Status Report.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Ann L. Coyle". The signature is fluid and cursive, with a large loop at the end.

Ann L. Coyle
Associate Regional Counsel
U.S. Environmental Protection Agency Region 5
77 West Jackson Boulevard (C-14J)
Chicago, Illinois 60604
312.886.2248

In the Matter of: Kenneth Kosmoski and Kristin Gillan
Docket No.: TSCA-05-2010-0006

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CERTIFICATE OF SERVICE

I, Cynthia Dixon, certify that I filed the original and one copy of this STATUS REPORT with U.S. EPA Region 5's Regional Hearing Clerk on July 9, 2010. In addition, I delivered, by pouch mail, a true and accurate copy to:

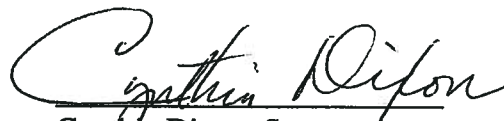
Honorable Barbara A. Gunning
Office of Administrative Law Judges (1900L)
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

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

Ms. Lisa Paul
Lisa C. Paul, LLC
309 North Water Street, Suite 160
Milwaukee, WI 53202
(for Kenneth Kosmoski)

Ms. Elizabeth Gamsky Rich
Elizabeth Gamsky Rich & Associates, SC
Plymouth Gateway Plaza
637 Walton Drive, Suite 1
Plymouth, WI 53073
(for Kristin Gillan)

dated: July 9, 2010


Cynthia Dixon, Secretary