

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 8

2008 JAN 10 PM 3:36

CLERK OF COURT
HEADQUARTERS

IN THE MATTER OF)

) Docket No. SDWA-08-2007-0096

)
)
) Evanston Lodge No. 2588,
) Benevolent and Protective Order of
) Elks of the USA
)
) PWS ID #WY5601147,
)

COMPLAINANT'S STATUS REPORT

)
) Respondent.
)

COMES NOW Complainant United States Environmental Protection Agency, Region 8 (EPA), by and through its undersigned counsel, and provides the following Status Report in the above-referenced matter.

1. EPA filed a Complaint and Notice of Opportunity for Hearing (Complaint) in this matter on September 27, 2007, wherein EPA proposed a penalty in the amount of \$500 based on alleged violations of section 1414(g) of the Safe Drinking Water Act, 42 U.S.C. § 300g-3(g), the National Primary Drinking Water Regulations, and two administrative orders. The Complaint was served on Respondent by certified mail, return-receipt requested.

2. Based on the return-receipt prepared by the United States Postal Service and completed by Respondent's Registered Agent, the Registered Agent accepted service for the Complaint on October 3, 2007.

3. Respondent's thirty-day timeframe for filing a timely answer in accordance with the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties,

Issuance of Compliance or Corrective Action Orders, and the Revocation, Termination or Suspension of Permits (Consolidated Rules), 40 C.F.R. Part 22, terminated on November 2, 2007.

4. Based on Respondent's failure to file a timely answer, Complainant drafted a motion for default in accordance with the Consolidated Rules. Prior to filing the motion, Kimberley Pardue-Welch on behalf of Complainant placed a courtesy call to the Respondent to determine whether Respondent was interested in settling this matter prior to EPA filing the default motion.

5. Specifically, on January 10, 2008, Ms. Welch spoke with Mr. Lynn Nelson on behalf of the Respondent. Mr. Nelson is one of three directors of Evanston Lodge No. 2588. Mr. Nelson verified that Mr. Jack Vreeland is still serving in the capacity of registered agent and counsel for Respondent. Mr. Nelson further stated that he was aware of the Complaint and expressed interest in resolving the matter.

6. Based on Mr. Nelson's request, the parties are scheduling a conference call to discuss settlement possibilities the week of January 14, 2008. Mr. Nelson requested that EPA postpone filing the default motion to allow the parties the opportunity to participate in informal settlement discussions.

7. Complainant has agreed to temporarily delay filing the default motion so long as the Respondent acts in good faith to settle this matter but no later than January 31, 2008. In the event that the parties are unable to effect a settlement-in-principal by January 31, 2008, Complainant will proceed with filing the motion for default and/or an updated status report unless directed otherwise by the Regional Judicial Officer.

Respectfully submitted this 10th day of January, 2008.

UNITED STATES ENVIRONMENTAL
PROTECTION AGENCY, REGION 8,
Complainant.



Amy Swanson, Enforcement Attorney
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that the original and one copy of COMPLAINATN'S STATUS REPORT was hand-carried to the Regional Hearing Clerk, EPA Region 8, 1595 Wynkoop Street, Denver, Colorado, and that a true copy of the same was sent as follows:

Via hand-delivery to:

The Honorable Elyana R. Sutin
Regional Judicial Officer
U.S. EPA Region 8 (8RC)
1595 Wynkoop Street
Denver, CO 80202-1129

Via regular mail and facsimile to:

Jack Vreeland, Registered Agent
Evanston Lodge No. 2588, Benevolent and Protective Order
of Elks of the United States of America
116 10th Street
Evanston, WY 82930
Facsimile: (307) 444-4131

1/10/2008
Date

Judith McTernan
Judith McTernan