

UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY

BEFORE THE ADMINISTRATOR

IN THE MATTER OF: )  
 )  
Jeffrey H. Duvall, Duvall Development Co., )  
Inc., Louis Steve Duvall, Sr., and Duvall & )  
Son Livestock, Inc., )  
 )  
Respondents. )  
\_\_\_\_\_ )

Proceeding to Assess Class II Civil  
Penalty Under Section 309 of  
Clean Water Act  
Docket No. CWA-04-2010-58

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Joint Status Report

Pursuant to the Court's instruction to Counsel for Complainant and for Respondents Jeffrey Duvall and Duvall Development Company during a September 28, 2011, conference call, the parties hereby file this Joint Status Report in the above-styled case. Counsel for Respondents has authorized Counsel for Complainant to sign and submit this Joint Status Report for the parties.

EPA will be sending the final, agreed upon Consent Agreement and Final Order (CAFO) to Respondents' counsel on December 15 or by no later than December 19, 2011. EPA has requested that Respondents sign and return the CAFO to EPA by December 21, 2011. Upon receipt of the CAFO, EPA's Water Division Director will sign the CAFO, and EPA will mail a copy of it to the one entity that submitted a comment in response to the public notice for the Amended Complaint. The commenter will have 30 days to file a petition to set aside the CAFO on the grounds that material evidence was not considered (see 40 C.F.R. § 22.45(c)(4)). In the event that no petition is filed within 30 days, EPA will present the final CAFO to the Regional Administrator for final approval. EPA anticipates that this will occur around January 24, 2012.

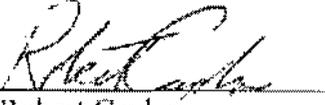
Upon final approval, EPA will file the CAFO with the Regional Hearing Clerk and send a copy to the Court.

EPA also anticipates that Respondents will file a notice that they do not object to EPA's Motion to Dismiss Louis Steve Duvall, Sr., from this action, and that Mr. Stockton (counsel for Respondents Louis Steve Duvall and Duvall & Son Livestock) will file a motion to withdraw and substitute Mr. Schwartz as counsel for Duvall & Son Livestock.

Finally, in regard to the part of the settlement between the parties that is not before this Court (involving Respondents' purchase and donation of property), Respondents have completed the closing on the purchase, and are now in the process of working with the U.S. Forest Service to schedule the closing on the donation of the property. EPA understands from the USFS that the closing could occur sometime in mid-January 2012. The parties are continuing their efforts to coordinate the various parts of the settlement between the parties and will update the Court by January 15, 2012, on the parties' progress.

Respectfully submitted,

Dated: December 15, 2011

  
Robert Caplan  
Counsel for Complainant

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that the original and one copy of the foregoing Joint Status Report in the Matter of: Duvall Development Co., Inc., Jeffrey H. Duvall, Duvall & Son Livestock, Inc., and Louis Steve Duvall, Sr., **Docket No. CWA-04-2010-5505**, was filed on December 15, 2011, with the Region 4 Regional Hearing Clerk, and that on December 15, 2011, I served true and correct copies of the same on Judge Barbara Gunning and the attorneys for the parties listed below in the manner indicated:

Judge Barbara A. Gunning (Via pouch mail)  
U.S. Environmental Protection Agency  
Mail Code 1900L  
1200 Pennsylvania Avenue, N.W.  
Washington, D.C. 20460

Robert Caplan (Via EPA's Internal Mail)  
Senior Attorney  
U.S. EPA, Region 4  
61 Forsyth Street, S.W.  
Atlanta, Georgia 30303

Edwin Schwartz, Esq. (Via Certified Mail, Return Receipt Requested)  
Sweetnam & Schwartz, LLC  
Three Ravina Drive  
Suite 1700  
Atlanta, Georgia 30346

C. Allyn Stockton, Jr., Esq. (Via Certified Mail, Return Receipt Requested)  
Stockton & Stockton  
P.O. Box 1550  
Clayton, Georgia 30525

Dated: December 15, 2011

  
\_\_\_\_\_  
Saundi Wilson, Paralegal Specialist  
U.S. EPA, Region 4  
61 Forsyth Street, S.W.  
Atlanta, Georgia 30303