



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

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U.S. ENVIRONMENTAL
PROTECTION AGENCY
REPLY TO THE ATTENTION OF:

November 21, 2008

The Honorable Barbara A. Gunning, Administrative Law Judge
Office of Administrative Law Judges
U.S. Environmental Protection Agency
Mail Code 1900L
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460-2001

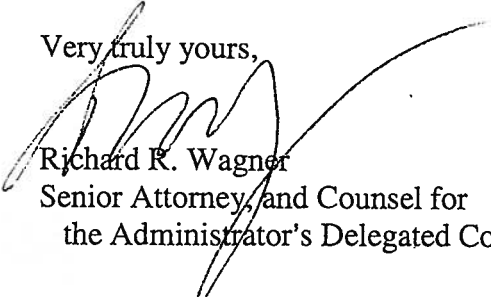
RE: Michael Aukerman, d/b/a Aukerman Excavating
Docket No. CWA-05-2008-0004
SETTLEMENT STATUS REPORT

Dear Judge Gunning:

In conformance with your order of October 9, 2008, the Administrator's Delegated Complainant, by counsel, files this Settlement Status Report.

The parties have conferred and settled this case. On November 19, 2008, Respondent approved the language of the proposed Consent Agreement and Consent Order ("CAFO") prepared by Complainant for the purpose of resolving the case, and Complainant is in the process of securing management approval of the CAFO. On approval, the CAFO will be sent to Respondent for signature. On the return of the signed document to Complainant, it will be executed by the Regional Administrator and filed with the Region 5 Hearing Clerk.

Very truly yours,


Richard R. Wagner
Senior Attorney, and Counsel for
the Administrator's Delegated Complainant

cc: Region 5 Hearing Clerk

Robert B. Hollister
Counsel for Respondent