

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5

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In the Matter of:)
)
Barron County Waste to Energy)
Facility)
Almena, Wisconsin)
)
Respondent.)
)
_____)

Docket No. CAA-05-2008-0033

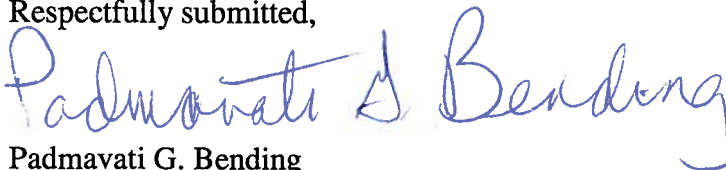
Proceeding to Assess a Civil Penalty
Under Section 113(d) of the Clean Air
Act, 42 U.S.C. § 7413(d)

FIRST STATUS REPORT

Padmavati Bending, Counsel for Complainant, Director of the Air and Radiation Division, U.S. Environmental Protection Agency, Region 5, Chicago, Illinois, files this status report as required by this Court's Prehearing Order of October 22, 2008.

Complainant and Respondent met on November 12, 2008 to discuss settlement of this matter. Complainant and Respondent traded settlement offers. The parties have achieved a settlement in principle. Complainant expects to provide Respondent with a CAFO for execution within a couple of weeks.

Respectfully submitted,



Padmavati G. Bending
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Office of Regional Counsel
U.S. Environmental Protection Agency,
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CERTIFICATE OF SERVICE

I hereby certify that today I filed personally with the Regional Hearing Clerk, Region 5, United States Environmental Protection Agency, 77 West Jackson Boulevard (E-13J), Chicago, Illinois, 60604-3590, the original document entitled First Status Report for this civil administrative action, and that I issued to the Court and Respondent's Counsel by first class mail a copy of the original document:

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The Honorable Susan L. Biro
Chief Administrative Law Judge
U.S. Environmental Protection Agency
Mail Code 1900L
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Washington, D.C. 20460

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Mildred Vargas
Mildred Vargas
Secretary

1000.20,2008
Date