

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 7
11201 RENNER BOULEVARD
LENEXA, KANSAS 66219
BEFORE THE ADMINISTRATOR

IN THE MATTER OF)	
)	
Evergreen Development, Inc.)	Docket No. CWA-07-2022-0134
)	
and)	COMPLAINANT'S STATUS REPORT
)	AND PRELIMINARY STATEMENT
Mark Schmidt,)	
)	
Respondents)	
)	
Proceedings under Section 309(g) of the)	
Clean Water Act, 33 U.S.C. § 1319(g))	
)	

In response to the Presiding Officer's February 6, 2023 Prehearing Order, Complainant hereby files this status report and preliminary statement.

I. STATUS REPORT

Pursuant to the Prehearing Order, Complainant and Respondents engaged in a settlement conference on February 14, 2023. The parties were unable to reach settlement in this matter during the settlement conference. Complainant is open to additional settlement discussions and/or Alternate Dispute Resolution.

II. PRELIMINARY STATEMENT

1. Complainant's preferred location for the hearing in this matter is Lincoln, Nebraska.
2. Complainant consents to service of filings in this proceeding by this Tribunal and other parties by email only.

3. Complainant hereby designates mccoins.shane@epa.gov as the address to which such service be directed during this proceeding.

Respectfully submitted on February 24, 2023.

Shane McCoin
Counsel for Complainant
Assistant Regional Counsel
U.S. Environmental Protection Agency, Region 7
11201 Renner Boulevard
Lenexa, Kansas 66219
(913) 551-7955
mccoins.shane@epa.gov

CERTIFICATE OF SERVICE

I hereby certify that on date below I filed via the OALJ E-filing system the original and one copy of this Complainant's Status Report and Preliminary Statement with the Headquarters Hearing Clerk.

I further certify that on the date below I served a copy of this Complainant's Status Report and Preliminary Statement to each party by electronic mail to:

Jovan Lausterer
Attorney for Respondents
Bromm, Lindahl, Freeman-Caddy & Lausterer
jlaus@wahoolaw.com

Shane McCain
Assistant Regional Counsel
U.S. Environmental Protection Agency, Region 7
11201 Renner Boulevard
Lenexa, Kansas 66219
(913) 551-7955
mccoin.shane@epa.gov