

BEFORE THE
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

In the Matter of:

Dave Erlanson, Sr., Individual,

Swan Valley, Idaho,

Respondent.

DOCKET NO. CWA-10-2016-0109

SETTLEMENT STATUS REPORT

In accordance with the Presiding Officer's Notice of Hearing Order of November 5, 2018 ("Order"), Complainant Environmental Protection Agency ("Complainant" or "EPA") respectfully submits this Status Report as to the status of settlement discussions in the above captioned action.

Following Complainant's Status Report and Statement of Availability (Docket No. 39) submitted on October 18, 2018, counsel for Complainant continued efforts to schedule a settlement conference with Respondent.

On October 25, Counsel for Respondent indicated that Respondent would be unavailable for a settlement conference before November 12. Counsel for Complainant attempted to schedule a settlement discussion for November 13, and followed up in the subsequent weeks attempting to schedule that conference.

On November 15, counsel for Respondent returned a call and attested to having suffered from an illness during the interim, frustrating his attempts to schedule a settlement discussion.

During the November 15 phone call, counsel for Respondent indicated that Respondent was unavailable to engage in a settlement discussion due to either travel or unreachability. Counsel for both parties agreed to engage in a settlement discussion sometime within the next two weeks, following the Thanksgiving holiday and pending Respondent's availability.

Pursuant to the Order, counsel for Complainant will continue efforts and file another Status Report on or before December 28, 2018, indicating the outcome of continued attempts to engage in a settlement conference.

Dated this 16th day of November, 2018.

Respectfully submitted,

/s/ William M. McLaren

William M. McLaren
Assistant Regional Counsel
U.S. EPA, Region 10

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on November 16, 2018, a true and correct copy of the foregoing was also filed electronically with be the Clerk of the Office of Administrative Law Judges using the ALJ e-file system, which sends a Notice of Electronic Filing to Respondent.

/s/ William M. McLaren _____

William M. McLaren

Assistant Regional Counsel

U.S. EPA, Region 10

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