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BEFORE THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

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In the Matter of:

EMPIRE LUMBER CO.,

Respondent.

Docket No. CAA-10-2012-0054

COMPLAINANT'S STATUS REPORT

Status Report on Progress of Settlement

1. On Tuesday, November 6, 2012, counsel for Complainant and Respondent conferred about opportunities to settle the above-captioned matter. The parties have been unable to agree upon mutually-acceptable terms of settlement and do not anticipate reaching a settlement prior to Complainant's ordered prehearing exchange deadline.

2. Complainant will file its prehearing exchange in compliance with the schedule

established in Administrative Law Judge Buschmann's October 19, 2012, Prehearing Order.

Respectfully Submitted,

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CERTIFICATE OF SERVICE

The undersigned certifies that the original of the attached **Status Report** in: **In the Matter of**: **Empire Lumber Co.**, Docket No. CAA-10-2012-0054, and one copy was filed with the Regional Hearing Clerk and that one true and correct copy was mailed by first class U.S. Mail on the signature date below to each of the following parties:

M. Lisa Buschmann, Administrative Law Judge U.S. EPA, Office of Administrative Law Judges 1200 Pennsylvania Avenue, NW Mail Code 1900L Washington, DC 20460-2001

and

Richard A. DuBey, Esq. Jennifer L. Sanscraine, Esq. Short Cressman & Burgess, PLLC 999 Third Avenue, Suite 3000 Seattle, WA 98104-4088

11-9-12

Dated

Shirin Venus Assistant Regional Counsel U.S. Environmental Protection Agency Region 10