

**BEFORE THE  
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**

In the Matter of:

EDWARD AND THERESA WASHINES,  
DA STOR AT LILLIE'S CORNER

Wapato, Washington

Respondents.

**DOCKET NO. RCRA-10-2014-0100**

**STATUS REPORT #3  
STATUS OF SETTLEMENT**

**STATUS OF SETTLEMENT**

Pursuant to the Notice of Hearing and Scheduling Order issued on January 8, 2015, Complainant hereby submits the following report on the status of settlement negotiations in the matter referenced above.

1. On April 30, 2014, EPA filed a Complaint, Compliance Order, and Notice of Opportunity for Hearing ("Complaint") against Edward Arlen Washines, Theresa Washines and Da Stor at Lillie's Corner (collectively referred to as "Respondents") alleging violations of Subtitle I of the Resource Conservation and Recovery Act ("RCRA"), 42 U.S.C. §§ 6991-6991m. Respondents filed an Answer to the Complaint and Request for Hearing on May 30, 2014. This administrative action is an ongoing proceeding.

2. In 2013 and 2014, prior to the filing of the Complaint, the parties engaged in settlement discussions on this matter, and were unable to reach settlement at that time. Pursuant to the Presiding Officer's directive in the August 26, 2014 Prehearing Order, the parties resumed settlement discussions on September 3, 2014.

3. Complainant's Counsel sent Respondents' Counsel a copy of a draft Consent Agreement and Final Order for consideration on September 5, 2014. A settlement conference call was held on Monday, September 8, 2014 to discuss the proposed settlement, but the parties were unable to reach agreement.

4. Complainant and Respondent are not engaged in settlement discussions at this time. Although inquiries as to the possibility of settlement have been made, no formal settlement discussions have occurred since September 8, 2014, as the parties have a fundamental disagreement over liability in regards to Count 5 and Count 6.

Complainant's Counsel may be contacted by phone at (206) 553-2723, by email at [bellovary.chris@epa.gov](mailto:bellovary.chris@epa.gov), or by mail at Christopher W. Bellovary, EPA Region 10, 1200 Sixth Avenue, Suite 900, Mail Stop ORC-158, Seattle, Washington 98101.

Respectfully submitted this 19<sup>th</sup> day of February, 2015.

  
Christopher W. Bellovary  
COUNSEL FOR COMPLAINANT  
U.S. Environmental Protection Agency, Region 10