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6	BEFORE THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
7	In the Matter of: ) DOCKET NO.
8	Dave Erlanson, Sr., Individual)CWA-10-2016-0109
9	Swan Valley, IdahoSTATUS REPORT
10	) Respondent. )
11	In response to the Presiding Officer's Order Granting Joint Request for Extension of
12	Time dated March 21, 2017, Complainant Environmental Protection Agency ("Complainant" or
13	"EPA") respectfully submits this Status Report in the above captioned action.
14	Background
15	1. On June 17, 2016, EPA initiated this enforcement action by issuance of a Complaint.
16	2. On July 14, 2016, Respondent filed an Answer, signed by Respondent Dave Erlanson,
17	Sr., denying the allegations in the Complaint and requesting an administrative
18	hearing.
19	3. On July 21, 2016, the Office of Administrative Law Judges offered an Alternative
20	Dispute Resolution ("ADR") process. The ADR offer was not accepted by all parties
21	as required in the ADR letter.
22	4. On September 23, 2016, Mr. Mark Pollot filed a Notice of Appearance in this matter
23	as counsel for Respondent.
24	STATUS REPORTU.S. Environmental Protection AgencyIn re ErlansonU.S. Environmental Protection AgencyDocket No. CWA-10-2016-01091200 Sixth Avenue, Suite 900, ORC-113Page - 1Seattle, Washington 98101(206) 553-1037

5. On September 23, 2016, counsel for the parties held an initial telephonic conference in which they agreed to engage in a substantive settlement conference. On the same day, Complainant filed a status report and motion for extension of prehearing deadlines.
6. On October 25, 2016, the parties agreed to engage in ADR in order to facilitate

 On February 17, 2017, Judge Buschmann recommended termination of ADR following a party's election to withdraw from ADR.

settlement. Judge Buschmann was thereafter assigned to oversee ADR.

8. On February 24, 2017, the newly assigned Presiding Officer in this case, Judge Coughlin, issued a Second Prehearing Order requiring a Status Report regarding a settlement conference between the parties and the status of settlement. The Second Prehearing Order additionally required a statement filed by each party identifying its preference for the location of the hearing before the Presiding Officer.

 On March 17, 2017, Complainant filed a Status Report and Request for Extension of Time due an unforeseen health-related issue preventing the parties from holding a settlement conference prior to the submission of the Status Report.

10. On March 21, 2017, the Presiding Officer issued the Order Granting Joint Request for Extension of Time requiring: 1) the parties to engage in a settlement discussion on or before March 24, 2017; 2) Complainant to file a status report on or before March 29, 2017 regarding the status of settlement; and 3) for each party to file a statement identifying the party's preference for the location of a hearing by March 29, 2017.

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1	Update on Status of Settlement
2	11. On March 24, 2017, the parties held a telephonic settlement conference, during which
3	the parties agreed that counsel for Complainant will send to counsel for Respondent a
4	draft Consent Agreement and proposed Final Order for Respondent to review. On
5	March 28, 2017, counsel for Complainant sent the draft Consent Agreement and
6	proposed Final Order to counsel for Respondent.
7	12. As of the filing of this Status Report, the parties have not reached settlement in this
8	matter, but have agreed to continue settlement discussions.
9	Location for Hearing
10	13. Pursuant to the Presiding Officer's March 21, 2017 Order, Complainant identifies
11	Bonneville County, Idaho for the location of hearing in this matter should one be
12	required. In his Answer, Respondent also requested that any hearing in this matter be
13	conducted in Bonneville County. Bonneville County is the county in which
14	Respondent resides and therefore is an acceptable location for a hearing consistent
15	with 40 C.F.R. §§ 22.21(d) and 22.19(d).
16	Dated this 29 <sup>th</sup> day of March, 2017.
17	Respectfully submitted,
18	Respectivity submitted,
19	<u>/s/ Endre M. Szalay</u> ENDRE M. SZALAY
20	Assistant Regional Counsel U.S. EPA, Region 10
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24	STATUS REPORTU.S. Environmental Protection AgencyIn re ErlansonU.S. Environmental Protection AgencyDocket No. CWA-10-2016-01091200 Sixth Avenue, Suite 900, ORC-113Page - 3Seattle, Washington 98101(206) 553-1037

1	BEFORE THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
2 3	In the Matter of: ) DOCKET NO. ) CWA-10-2016-0109
4	Dave Erlanson, Sr., Individual ) CERTIFICATE OF SERVICE
5	Swan Valley, Idaho     )       Respondent.     )
6 7	The undersigned hereby certifies that on March 29, 2017, a true and correct copy of the
8	STATUS REPORT in the above-captioned case was filed electronically with the Clerk of the
9	Office of Administrative Law Judges using the ALJ e-file system, which sends a Notice of
10	Electronic Filing to Respondent.
11	The undersigned also certifies that on March 29, 2017, he served a true and correct copy of the STATUS REPORT, via email, on Mark Pollot, Attorney for Respondent Dave Erlanson,
12	Sr. at mpollot@cableone.net and con.resctr@cableone.net, his known electronic email address.
13	
14	DATED this 29 <sup>th</sup> day of March, 2017.
15	Respectfully submitted,
16	/s/ Endre M. Szalay
17	ENDRE M. SZALAY Assistant Regional Counsel
18	U.S. EPA, Region 10
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24	Certificate of ServiceU.S. Environmental Protection AgencyIn re Erlanson1200 Sixth Avenue, Suite 900, ORC-113Docket No. CWA-10-2016-0109Seattle, Washington 98101(206) 553-1037