

BEFORE THE  
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

In the Matter of:

STATE OF ALASKA DEPARTMENT OF  
TRANSPORTATION AND PUBLIC  
FACILITIES,

Juneau, Alaska

Respondent.

DOCKET NO. CWA-10-2024-0154

**COMPLAINANT’S STATUS REPORT**

1.1. The U.S. Environmental Protection Agency (“EPA” or “Complainant”) filed a Complaint on August 27, 2024, against the State of Alaska Department of Transportation and Public Facilities (“Respondent”) alleging violations of the Clean Water Act. On September 9, 2024, Complainant filed a Certificate of Service illustrating that a copy of the Complaint, the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits, and a copy of the EPA Region 10 Standing Order Regarding the Designation of EPA Region 10 Part 22 Electronic Filing System had been properly served upon Respondent. As required by 40 C.F.R. § 22.45(b), Complainant provided public notice of the Complaint on September 11, 2024. Respondent filed an Answer to the Complaint on October 4, 2024. On October 24, 2024, this Tribunal issued a Prehearing Order that required, *inter alia*, that Complainant and the Respondent (collectively, “the Parties”) “engage in a settlement conference on or before November 8, 2024 and attempt to reach an amicable resolution of this matter.” That Prehearing Order also required Complainant to “file a Status Report regarding this conference and the status of settlement on or before November 15, 2024.” This Tribunal also required that “if the case is settled, a fully executed Consent Agreement and Final Order . . . shall be filed . . . no later than December 6, 2024.”

1.2. The Parties engaged in a settlement conference on November 1, 2024 to attempt to reach an amicable resolution of this matter. The Parties also engaged in substantial pre-filing discussions. Following the November 1, 2024 settlement conference, the Parties have agreed that settlement of this matter is unlikely at this time. As a result, the Parties do not anticipate filing a fully executed Consent Agreement and Final Order by December 6, 2024 as contemplated in this Tribunal's October 24, 2024 Prehearing Order.

1.3. Should the Parties reengage in settlement negotiations, they may file a Joint Motion to Stay Proceedings for this Tribunal's consideration. However, at this time, Complainant intends to comply with the deadlines identified in the October 24, 2024 Prehearing Order, including the December 6, 2024 deadline to file Complainant's Initial Prehearing Exchange.

Respectfully submitted,

U.S. ENVIRONMENTAL PROTECTION  
AGENCY, REGION 10:

November 15, 2024

\_\_\_\_\_  
DATE

\_\_\_\_\_  
Patrick B. Johnson  
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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

In the Matter of:	)	DOCKET NO.
	)	CWA-10-2024-0154
STATE OF ALASKA DEPARTMENT OF	)	
TRANSPORTATION AND PUBLIC	)	<b>CERTIFICATE OF SERVICE</b>
FACILITIES,	)	
	)	
Juneau, Alaska	)	
	)	
Respondent.		

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The undersigned certifies that the original COMPLAINANT’S STATUS REPORT in the above-captioned action was filed with the OALJ E-Filing System to:

Mary Angeles, Headquarters Hearing Clerk  
Office of Administrative Law Judges  
U.S. Environmental Protection Agency  
[https://yosemite.epa.gov/OA/EAB/EAB-ALJ\\_Upload.nsf](https://yosemite.epa.gov/OA/EAB/EAB-ALJ_Upload.nsf)

Further the undersigned certifies that a true and correct copy of the original COMPLAINANT’S STATUS REPORT was served on Respondent State of Alaska Department of Transportation and Public Facilities via email to:

Brian E. Gregg, Assistant Attorney General  
State of Alaska Department of Law  
[brian.gregg@alaska.gov](mailto:brian.gregg@alaska.gov)  
[ayla.lisenbee@alaska.gov](mailto:ayla.lisenbee@alaska.gov)

Dated this 15th day of November, 2024.

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Patrick B. Johnson  
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