

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 7
11201 RENNER BOULEVARD
LENEXA, KANSAS 66219
BEFORE THE ADMINISTRATOR

IN THE MATTER OF)
)
EVERGREEN DEVELOPMENT, INC.) Docket No. CWA-07-2022-0134
)
AND) **RESPONDENT'S STATUS**
) **REPORT AND PRELIMINARY**
) **STATEMENT**
)
MARK SCHMIDT,)
)
RESPONDENTS.)

In response to the Presiding Officer's February 6, 2023 Prehearing Order, Respondent hereby files this status report and preliminary statement.

I. STATUS REPORT

Respondent concurs that no settlement compromise has been reached by virtue of the conference held on February 14, 2023 but that the parties are working towards possible resolution. More specifically, the Respondents are gathering the necessary documentation in order to complete and process the "Financial Data Request Forms." Respondent is also open to alternative dispute resolution.

II. PRELIMINARY STATEMENT

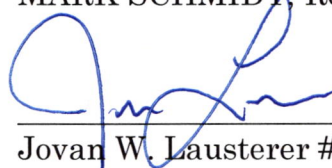
1. Respondents preferred location for the hearing in this matter is also Lincoln, Nebraska.
2. Respondents consent to service of filings in this proceeding by this Tribunal and other parties by e-mail only.

3. Respondents hereby designate jlaus@wahoolaw.com as the address to which such service be directed during this proceeding.

Respectfully submitted on this 24th day of February, 2023.

EVERGREEN DEVELOPMENT, LLC, and
MARK SCHMIDT, Respondents

By:



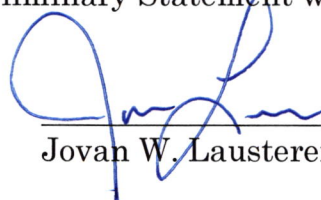
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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Status Report and Preliminary Statement was sent by electronic service on this day to:

EPA, Region 7:
Shane McCain, Attorney
mccoin.shane@epa.gov

and that I filed via the OALJ E-filing system the original and one copy of the Respondents' Status Report and Preliminary Statement with the Headquarters Hearing Clerk.



Jovan W. Lausterer, Attorney