

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2

-----X
In the Matter of :
Puerto Rico Air National Guard, :
U.S. Air Force :
 :
Respondent :
 :
Proceeding Under Section 9006 :
Of the Solid Waste Disposal Act :
as amended. :
-----X

JOINT STATUS REPORT
RCRA-02-2009-7506

U.S. ENVIRONMENTAL
PROTECTION AGENCY-REGION 2
2010 MAY -4 AM 11:24
REGIONAL HEARING
CLERK

JOINT STATUS REPORT

This to advise your Honor that the Complainant and Respondent have agreed to compliance terms and a civil penalty in settlement of this administrative enforcement proceeding. On April 27, 2010, Complainant's counsel sent Respondent's counsel a draft Consent Agreement/Final Order ("CA/FO") for review and comment. Complainant presently awaits Respondent's feedback. After Complainant receives Respondent's feedback and addresses any concerns regarding the language of the CA/FO, the document will undergo review by EPA headquarters Federal Facility Enforcement Office. After the language is agreed upon by the parties and HQ FFEO has been consulted, the document will undergo concurrence at EPA, Region 2, prior to being sent to the Respondent for signature.

Dated: May 3, 2010
New York, New York

Respectfully submitted,



Bruce Aber
Counsel for Complainant

In the Matter of Puerto Rico Air National Guard, U.S. Air Force,
Docket No. RCRA-02-2009-7506

CERTIFICATE OF SERVICE

I certify that I have this day caused to be sent the foregoing Joint Status Report, dated May 3, 2010, bearing the above-referenced docket number, in the following manner to the addressees listed below:

Copy by Facsimile: Honorable Barbara A. Gunning
& Certified Mail/Return Administrative Law Judge
Receipt Requested U.S. Environmental Protection Agency
 Office of Administrative Law Judges
 Mail Code 1900 L
 1200 Pennsylvania Avenue, N.W.,
 Washington, D.C. 20460

Copy by Facsimile &
Certified Mail/Return Receipt
Requested:

Phillip Burton Gray,
NGB-JA Office of Chief Counsel
Jefferson Plaza #1, Suite 11300
1411 Jefferson Davis Highway
Arlington, Virginia 22202-3682

Original and Copy
By Hand Delivery:

Karen Maples
Regional Hearing Clerk
U.S. Environmental Protection Agency
Region 2
290 Broadway, 16th Floor
New York, N.Y. 10007-1866

Dated: May 3, 2010
New York, New York



Bruce Aber
Assistant Regional Counsel