UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

IN THE MATTER OF:

RAIA & SIRIGNANO
DEVELOPMENT CORP.,

RESPONDENT

The Matter of:

Docket No: TSCA-02-2010-9166

JOINT MOTION FOR A 30-DAY EXTENSION OF ALTERNATIVE DISPUTE RESOLUTION PERIOD AND STATUS REPORT

The parties, Complainant and Respondent, in the above captioned matter, do hereby submit this Joint Motion for a 30-day Extension of the Alternative Dispute Resolution (ADR) Period and Status Report as per Judge Spencer Nissen's instructions on the ADR Conference Call held on October 14, 2010.

By way of this motion, the parties request said 30-day extension of the ADR period to allow the parties time to confer regarding Respondent's willingness to conduct lead inspections for the purpose of determining whether the properties that are the subject of this enforcement action can be certified as "lead-free," or "lead-safe." Under the Disclosure Rule Enforcement Response Policy (ERP), if a Respondent volunteers to perform a lead-based paint inspection to have its properties certified as being lead-free or lead-safe from exposure to lead-based paint, EPA can reduce the penalty by up to 95%.

The parties assert that good cause for this motion for extension exists as follows:

First, the current ADR period is due to terminate on October 18, 2010

Second, Counsel for Respondent has been out of the office to deal with a personal family matter and the parties could not conduct previous informal settlement conferences scheduled between the parties. The parties have scheduled the next informal settlement conference on Thursday, October 21, 2010.

Third, Respondent will not be able to schedule the lead inspections before the current ADR period terminates. However, Counsel for Respondent has indicated that said inspections may be scheduled by the end of the week of October 18, 2010, or soon thereafter.

Therefore, the parties respectfully request a 30-day extension of the ADR period to allow time for the lead based inspections to be conducted and the results to be obtained.

For the foregoing reasons, Counsel for EPA and Counsel for Respondent request that your Honor grant this joint motion for an extension, if it meets with your approval. Counsel for Respondent concurs on this Joint Motion for a 30-day Extension of ADR Period and Status Report.

Respectfully submitted

Melva J. Hayden, Esquire U.S. Environmental Protection Agency Region 2, 290 Broadway, 16th Floor New York, NY 10007-1866 phone: 212/637-3230 fax: 212/637-3202

<u>In the Matter of Raia & Sirignano Development Corp.</u>, Respondent Docket No. TSCA-02-2010-9166

CERTIFICATE OF SERVICE

I certify that the foregoing Joint Motion to Request a 30-day Extension of ADR Period and Status Report has been sent this day to the following addressees listed herein in the manner listed below:

Original & one (1) Copy by Hand:

Karen Maples

Regional Hearing Clerk

U.S. Environmental Protection Agency

Region 2

290 Broadway – 16th Floor New York, NY 10007-1866

Copy by Facsimile & Certified Mail/ Return Receipt Requested:

The Honorable Spencer Nissen Administrative Law Judge Office of Administrative Law Judges U.S. Environmental Protection Agency 1200 Pennsylvania Avenue, N.W. Washington, D.C. 20460

Copy by Facsimile & Certified Mail/ Return Receipt Requested:

Frank Covello, Esquire Leanza & Agrapidis 777 Terrace Avenue – 5th Floor Hasbrouck Heights, New Jersey 07604

mildred n. Bag

Dated October 14, 2010 New York, NY