

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION II

In the Matter of:  
  
City of Buffalo,  
  
Respondent.  
  
Proceeding Under Section 3008  
of the Solid Waste Disposal Act,  
as amended.

STATUS REPORT

Docket No. RCRA-02-2010-717

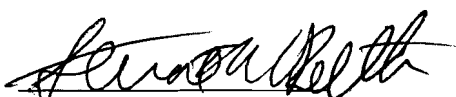
U.S. ENVIRONMENTAL  
PROTECTION AGENCY-REG.II  
FEB 28 P 2:47  
REGIONAL HEARING  
CLERK

STATUS REPORT

In accordance with the a telephone conference with Ms. Wills of the Office of Administrative Law Judges on February 3, 2011, Administrative Law Judge Barbara A. Gunning, the presiding officer in this case, ordered counsel for Complainant to submit the following status report.

A Consent Agreement has been drafted and is currently being reviewed by appropriate staff at the Region for concurrence. We expect to send this document to counsel for Respondent shortly.

Sincerely,



Stuart N. Keith

Counsel for Complainant

Dated:

2/28/11

In the Matter of City of Buffalo, Docket No. RCRA-02-2010-7107

**CERTIFICATE OF SERVICE**

I certify that I have on this day caused to be sent the foregoing STATUS REPORT bearing the above-referenced docket number, in the following manner to the respective addressees below:

Original and one copy by hand to:

Office of the Regional Hearing Clerk.  
U.S. EPA- Region II  
290 Broadway, 16<sup>th</sup> floor  
New York, New York 10007-1866

Copy by Pouch Mail :

Barbara A. Gunning  
Administrative Law Judge  
EPA Office of Administrative Law Judges  
1200 Pennsylvania Ave, NW  
Mail Code 1900L  
Washington, DC 20460

Copy by Certified Mail Return Receipt Requested:

Alan P. Gerstman, Esq.  
Assistant Corporation Counsel  
City of Buffalo Department of Law  
1100 City Hall  
65 Niagara Square  
Buffalo, NY 14202

Dated: FEB 28 2011  
New York, New York

Smidrow H. Baer