

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2

U.S. ENVIRONMENTAL
PROTECTION AGENCY
2009 APR 21 11 06 AM
REGIONAL HEADQUARTERS

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In the Matter of : JOINT STATUS REPORT
Puerto Rico Army National Guard, : AND JOINT MOTION
Camp Santiago, and the Army & Air: FOR EXTENSION OF TIME
Force Exchange Service, :
Camp Santiago, Salinas, PR : RCRA-02-2008-7502
:
Respondents :
:
Proceeding Under Section 9006 :
Of the Solid Waste Disposal Act :
as amended. :
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JOINT STATUS REPORT

This is a follow-up to the parties Joint Status Report dated March 9, 2009, which Complainant previously submitted to your Honor. As you know, since that time, a fully executed Consent Agreement/Final Order ("CA/FO"), dated March 19, 2009, between Complainant and one of the two Respondents--the Army & Air Force Exchange Service, was submitted to your Honor.

The remaining parties (the Puerto Rico Army National Guard, Camp Santiago, and the Complainant) in the above-referenced administrative proceeding are pleased to inform the Court, through this Joint Status Report, that on April 20, 2009, the Puerto Rico Army National Guard, has signed the Consent Agreement settling this matter. Please see executed signature page attached to this Joint Status Report.

Complainant's counsel has brought the CA/FO to USEPA, Region 2's Division Director for signature of the Consent Agreement. After the Division Director's signature, the CA/FO will be forwarded to USEPA, Region 2's Acting Regional Administrator for his signature of the Final Order and issuance of the document.

**JOINT MOTION FOR EXTENSION OF TIME REQUESTING THE COURT TO
EXTEND THE TIME FOR SUBMITTING PREHEARING EXCHANGES AND ALLOWING
SUFFICIENT TIME TO FILE FULLY EXECUTED CA/FOs WITH THE COURT**

In light of the foregoing, the parties file this motion pursuant to 40 C.F.R. Section 22.16(a), requesting that your Honor extend the prehearing exchanges deadlines for thirty (30) days, from April 23, 2009 until May 26, 2009 (Complainant's Initial Prehearing Exchange), July 7, 2009 (Respondents' Prehearing Exchange) and July 21, 2009 (Complainant's Rebuttal Prehearing Exchange (if necessary)). Complainant's counsel has conferred with Respondents' counsel and they concur in this request for extension. This will allow the Complainant to focus its attention within the next few weeks towards getting the settlement documents signed by the Division Director and Acting Regional Administrator, rather than engage in prehearing discovery at this time.

Dated: April 20, 2009
New York, New York

Respectfully submitted,



Bruce Aber
Counsel for Complainant

In the Matter of Puerto Rico Army National Guard and Army and
Air Force Exchange Service, Docket No. RCRA-02-2008-7502

CERTIFICATE OF SERVICE

I certify that I have this day caused to be sent the foregoing Joint Status Report and Joint Motion for Extension of Time, dated April 20, 2009, 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:

Randy Chambers
NGB-JA Office of Chief Counsel
Jefferson Plaza #1, Suite 11300
1411 Jefferson Davis Highway
Arlington, Virginia 22202

William E. O'Connor, CPT, JA
Joint Forces Headquarters
The Adjutant General's Office
P.O. Box 9023786
San Juan, Puerto Rico 00902-3786

Michael C. Whittington, Esq.
Associate General Counsel
Army and Air Force Exchange Service
3911 S. Walton Walker Boulevard
Dallas, TX. 75236-2267

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

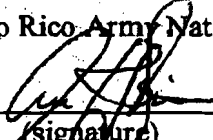
Dated: April 20, 2009
New York, New York

A handwritten signature in black ink, appearing to read "BAber", written above a horizontal line.

Bruce Aber
Assistant Regional Counsel

In the Matter of the Puerto Rico Army National Guard, Camp Santiago; and the Army and Air Force Exchange Service, Camp Santiago, Salinas, Puerto Rico, Docket No. RCRA-02-2008-7502

RESPONDENT: Puerto Rico Army National Guard

BY: 
(signature)

NAME Antonio J. Vicens
(Please Print)

TITLE: TAG - PR

DATE: 20 APR 09