

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Region 2

U.S. ENVIRONMENTAL PROTECTION AGENCY-REG. II
2012 JUN 21 P 1:23
REGIONAL HEARING CLERK

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In the Matter of :
U.S. Department of Veterans Affairs, :
 :
Respondent. :
 :
Proceeding Under Section 9006 :
of the Solid Waste Disposal Act, :
as amended :
 :
-----X

Docket No. RCRA-02-2012-7502

STATUS REPORT AND MOTION FOR EXTENSION OF TIME

This status report is provided pursuant to the Order of this Court issued on June 6, 2012. On May 30, 2012, Counsels for the parties reached a mutual agreement to recommend a settlement figure to their respective Agencies. On May 31, 2012, Counsels for the parties filed a Joint Motion to Hold the Case in Place. This Court, however, gave the parties until July 6th to file a fully-executed consent agreement and final order ("CA/FO") or otherwise, Complainant has to file its prehearing exchange by that date. Since then, the Parties have reached an agreement for a sum certain. The undersigned has prepared the CA/FO and obtained certain necessary approvals which included approval from EPA Headquarters. Today, the undersigned sent the CA/FO to Counsel for Respondent so he can get the necessary approvals and signatures from his Agency.

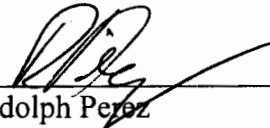
The undersigned believes that the Parties have proceeded expeditiously to resolve this matter amicably; however, because of the following circumstances: (1) the Parties are federal agencies with layers of approvals (including Headquarters' approval for the Complainant), (2) Respondent's Counsel has to get approval and signatures from personnel and the Directors of

three separate facilities (two in New York and one in New Jersey), and (3) Some people necessary for the concurrence/approval of the CA/FO will be taking extended leave during the upcoming July 4th Holiday week, the CA/FO cannot be fully-executed by July 6, 2012.

Complainant believes that given the fact that a settlement has been reached and that the CA/FO is already in the signature process, the preparation of a prehearing exchange at this time does not represent the optimum use of the Agency's limited resources. The undersigned believes that with an additional short period of time, the Parties can fully execute the CA/FO. Therefore, Complainant respectfully requests a three week extension of time until July 27, 2012 to either submit a fully-executed CA/FO or Complainant's prehearing exchange.

Dated: June 21, 2012
New York, New York

Respectfully submitted,



Rudolph Perez
Office of Regional Counsel
U.S. Environmental Protection Agency,
Region 2
Waste & Toxic Substances Branch
290 Broadway, 16th Floor
New York, N.Y. 10007-1866
Perez.rudolph@epa.gov (e-mail)
(212) 637-3220 (telephone)
(212) 637-3199 (facsimile)

In the Matter of U.S. Department of Veterans Affairs
Docket No. RCRA-02-2012-7502

To:
The Honorable Susan L. Biro
Chief Administrative Law Judge
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Mail Code 1900L
Washington, DC 20460

Office of Regional Hearing Clerk
U.S. Environmental Protection Agency, Region 2
290 Broadway, 16th floor
New York, NY 10007

Jack P. DiTeodoro
General Attorney
Department of Veterans Affairs
Office of the Regional Counsel
800 Poly Place, Building 14
Brooklyn, NY 11209

In the Matter of U.S. Department of Veterans Affairs
Docket No. RCRA-02-2012-7502

CERTIFICATE OF SERVICE

I certify that I have this day caused to be sent the foregoing "STATUS REPORT AND MOTION FOR EXTENSION OF TIME," dated June 21, 2012, in the above-referenced proceeding in the following manner to the respective addresses listed below:

Original and One Copy
By Inter Office Mail

Office of Regional Hearing Clerk
U.S. Environmental Protection Agency, Region 2
290 Broadway, 16th floor
New York, NY 10007

Copy by fax Transmission
202-565-0044 and Pouch Mail

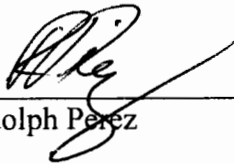
Honorable Susan L. Biro
Chief Administrative Law Judge
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Mail Code 1900L
Washington, DC 20460

Copy by Fax Transmission
718-630-2917 and First Class Mail

Jack P. DiTeodoro
General Attorney
Department of Veterans Affairs
Office of the Regional Counsel
800 Poly Place, Building 14
Brooklyn, NY 11209

Dated: 6/21/12

New York, NY


Rudolph Perez