

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION II

U.S. ENVIRONMENTAL
PROTECTION AGENCY-REG. II
2008 MAR 26 PM 2:41
REGIONAL HEARING
CLERK

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In the Matter of: :

Crossgates Mall Company, LP, :
Pyramid Management Group, Inc., :
and, :
Crossgates Mall Company Newco, :
LLC, :

Respondent. :

Proceeding under Section 3008 of :
the Solid Waste Disposal Act, :
as amended :

Docket No.
RCRA-02-2007-7113

**JOINT MOTION FOR EXTENSION OF TIME TO FILE PREHEARING
EXCHANGES**

Counsel for Complainant and Respondent have conferred on this Motion and counsel for Respondent has authorized counsel for Complainant to submit this Joint Motion for Extension of Time to File Prehearing Exchanges for the reasons noted below.

The parties met for an informal settlement conference on February 28, 2008. At this meeting the parties agreed to pursue a settlement. Subsequently the parties have continued settlement discussions and hereby represent to the Court that a settlement appears likely. The parties have agreed on a settlement penalty amount.

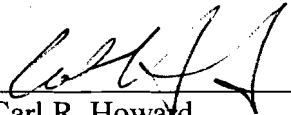
In addition, Complainant has drafted a Consent Agreement and Final Order and will forward it to Respondent shortly. Complainant will move the CAFO s expeditiously through internal review and will make best efforts to send it to Respondent by April 1, 2008.

Respondent, and Complainant, would prefer to put its energies into a settlement and not into a prehearing exchange which appears to be unnecessary. The parties would not make such a request if they were not confident that this matter will be settled. This is the parties' first request for an extension.

As Agency policy favors settlements the parties respectfully request that the Court grant the parties an additional sixty (60) days after receipt of this Motion before Prehearing Exchanges are due. Complainant further proposes that it will submit a status report thirty (30) days from the date of this Motion.

Respectfully submitted,

3-25-08
Dated



Carl R. Howard
Assistant Regional Counsel
Environmental Protection Agency - Region 2
290 Broadway.
New York, New York 10007-1866
(212) 637-3216
FAX: (212) 637-3199

In the Matter of Crossgates Mall Company, LP, Pyramid Management Group, Inc.,
and, Crossgates Mall Company Newco, LLC,
Docket No. RCRA-02-2007-7113

CERTIFICATE OF SERVICE

I certify that I have this day caused (or am causing) to be sent the foregoing Joint Motion For Extension of Time to File Prehearing Exchanges to the following addressees listed herein in the manner listed below:

Copy by facsimile and
Pouch Mail:

Honorable William B. Moran
Administrative Law Judge
Office of Administrative Law Judges
U.S. Environmental
Protection Agency
Mail Code 1900L
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

Original and One Copy
Hand Delivered to:

Ms. Karen Maples
Regional Hearing Clerk
U.S. Environmental Protection
Agency, Region II
290 Broadway
New York, NY 10007-1866

Copy by Regular Mail to
Attorney for Respondent:

Robert L. Sweeney
Whiteman Osterman & Hanna LLP
One Commerce Plaza
Albany, New York 12260

3-25-08
Date

