

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2

U.S. ENVIRONMENTAL
PROTECTION AGENCY-REG-2
2010 JUN 17 AM 10:52
REGIONAL HEARING
CLERK

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In the Matter of :
Puerto Rico Air National Guard, : JOINT STATUS REPORT
U.S. Air Force : & JOINT MOTION
Respondent : RCRA-02-2009-7506
:
Proceeding Under Section 9006 :
Of the Solid Waste Disposal Act :
as amended. :
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JOINT STATUS REPORT

This Joint Status Report is in response to your Initial Prehearing Order, dated May 20, 2010, wherein you ordered Complainant to file a fully executed Consent Agreement and Final Order (CA/FO) memorializing settlement no later than June 21, 2010.

The parties in the above-referenced case previously submitted a Joint Status Report on May 17, 2010. Since that time, the parties have reviewed and agreed to the language in the CA/FO.

The Parties are pleased to report ^{that} this morning, on June 16, 2010, the Complainant has concurred (but did not sign) the Consent Agreement and Final Order (CA/FO) and the document was immediately forwarded to Respondent for signature. Respondent's counsel has informed Complainant's counsel that the Respondent has already reviewed and approved the content of the CA/FO informally. As such, the parties expect that Respondent's signatory will be able to sign and return the CA/FO to Complainant in a matter of days.

Complainant's counsel has requested that Respondent return the executed CA/FO by no later than Wednesday, June 23, 2010. At that time, Complainant's counsel will present the CA/FO to the Complainant to sign the document, and then have the Complainant's Regional Administrator sign and issue the Final Order. Complainant expects to have the CA/FO signed and issued by June 30, 2010.

JOINT MOTION FOR EXTENSION OF TIME
TO FILE FULLY EXECUTED Consent Agreement/Final Order

Both parties file this motion pursuant to 40 C.F.R. Section 22.16(a), requesting that your Honor extend the deadline, for ten (10) days from June 21, 2010 until July 1, 2010, for the filing of a fully executed CA/FO memorializing the settlement. The basis for this motion is that both parties have reviewed and approved the content of the CA/FO. All that remains is to have the signatories sign the document. The parties anticipate they will need an additional ten days to get this done. As no prehearing exchange deadlines or hearing date has been set, there is no adverse impact or prejudice to either party or the administrative process in allowing this additional time.

Dated: June 16, 2010
New York, New York

Respectfully Submitted,



Bruce Aber
Counsel for Complainant

In the Matter of Puerto Rico Air National Guard, U.S. Air Force,
Docket No. RCRA-02-2009-7506

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 June 16, 2010, bearing the above-referenced docket number, in the following manner to the addressees listed below:

Copy by Facsimile
& Certified Mail/Return
Receipt Requested

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

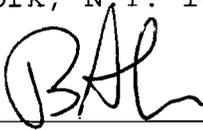
Copy by Facsimile &
Certified Mail/Return Receipt
Requested:

Phillip Burton Gray,
NGB-JA Office of Chief Counsel
Jefferson Plaza #1, Suite 11300
1411 Jefferson Davis Highway
Arlington, Virginia 22202-3682

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: June 16, 2010
New York, New York



Bruce Aber
Assistant Regional Counsel