

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Region 2

Hon. M. Lisa Buschmann, Presiding Officer

In the Matter of: Andrew B. Chase, a/k/a
Andy Chase, Chase Services, Inc., Chase
Convenience Stores, Inc., and Chase
Commercial Land Development, Inc.,

Respondents.

Proceeding Under Section 9006 of the
Solid Waste Disposal Act, as amended.

Docket No. RCRA-02-2011-7503

U.S. ENVIRONMENTAL
PROTECTION AGENCY-REG. II
2012 FEB 14 P 3:42
REGIONAL HEARING
CLERK

FEBRUARY 14, 2012 STATUS REPORT

This status report is being provided pursuant to the order of this Court dated December 22, 2011, "NOTICE OF HEARING AND SCHEDULING ORDER AND ORDER ON MOTION TO EXTEND FILING DEADLINE FOR DISPOSITIVE MOTIONS." This status report pertains to the 21-count complaint EPA filed in April 2011 alleging Respondents, in their operation and ownership of 19 underground storage tanks at six service stations in five communities in northern New York State, violated a number of the requirements of 40 C.F.R. Part 280 for the operation, maintenance and closure of such tanks. As EPA recently filed a motion for partial accelerated decision for liability (for 20 of the 21 counts of the complaint), the Court is respectfully referred to the motion papers for a full recitation of background and other relevant facts.

The undersigned and Respondents' counsel, Thomas Plimpton, spoke today. Mr. Plimpton acknowledged having received Complainant's motion for partial accelerated decision

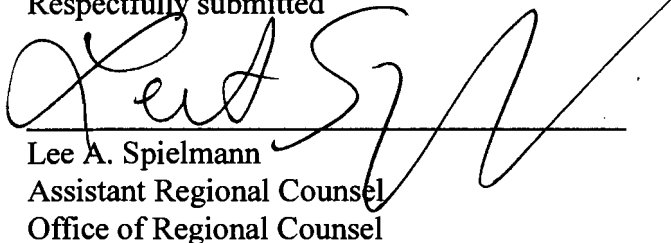
that was filed last week. He said he wishes to forward a copy to his clients.

Mr. Plimpton and the undersigned agreed to speak shortly in order to revisit the question of settlement, but he first wishes an opportunity to consult with his clients after they have reviewed the motion in order to ascertain their views. Thus, the door remains open to the possibility of this matter being resolved through a negotiated settlement, and the chances for such a possibility to attain fruition should become clearer once the parties speak again in the likely not too distant future.

The undersigned will, pursuant to the December 22nd order, again inform this Court in the next status report of whether any progress toward settlement has been made, such report to be filed on or before March 2, 2012.

Dated: February 14, 2012
New York, New York

Respectfully submitted



Lee A. Spielmann
Assistant Regional Counsel
Office of Regional Counsel
U.S. Environmental Protection Agency, Region 2
290 Broadway, 16th floor
New York, New York 10007-1866
212-637-3222
FAX: 212-637-3199

TO: Honorable M. Lisa Buschmann
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, New York 10007-1866

Thomas W. Plimpton, Esq.
Stafford, Piller *et al.*
Counsel for Respondents
One Cumberland Avenue
P.O. Box 2947
Plattsburgh, New York 12901

In re Andrew B. Chase et al.
Docket No. RCRA-02-2011-7503

CERTIFICATE OF SERVICE

I certify that I have this day caused to be sent the foregoing "February 14, 2012 Status Report," dated February 14, 2012, in the above-referenced proceeding in the following manner to the respective addressees 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, New York 10007-1866

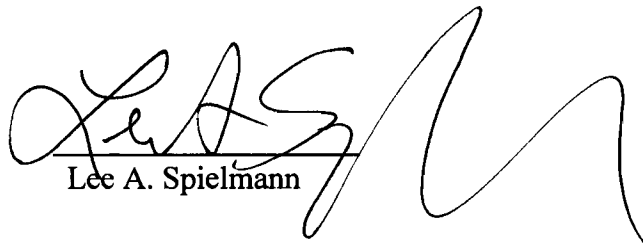
Copy by Pouch Mail:

Honorable M. Lisa Buschmann
Administrative Law Judge
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Mail Code 1900 L
Washington, DC 20460

Copy by First Class Mail:

Thomas W. Plimpton, Esq.
Stafford Piller et al.
One Cumberland Avenue
P.O. Box 2947
Plattsburgh, New York 12901

Dated: February 14, 2012
New York, New York



Lee A. Spielmann