

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION II

In the Matter of:

United States Veterans Administration,
Canandaigua VA Medical Center,
Respondent.

Proceeding Under Section 3008
of the Solid Waste Disposal Act,
as amended.

STATUS REPORT AND
MOTION FOR EXTENSION
OF TIME

Docket No. RCRA-02-2008-7504

U.S. ENVIRONMENTAL
PROTECTION AGENCY-REGION II
2008 JUL 31 PM 3:51
REGIONAL HEARING
CLERK

STATUS REPORT AND MOTION FOR EXTENSION OF TIME

In accordance with the Prehearing Order dated June 4, 2008 issued by Administrative Law Judge Barbara A. Gunning, the presiding officer in this case, counsel for Complainant submits the following status report and motion for extension of time.

The parties held a settlement conference on June 20, 2008. As of this writing, the parties have arrived at a settlement in principle and counsel for Complainant intends to forward a preliminary settlement document to Respondent's counsel in the next few days. However, the agreement has yet to be finalized and some minor aspects may yet need to be resolved, as well as obtaining all of the appropriate approvals. In addition, counsel for Complainant will be out of the office for several weeks in August.

Given these realities, the Complainant proposes that the parties be granted a 30 day extension to the schedule set forth in the Prehearing Order. This would give the parties until October 15, 2008 to file either a Consent Agreement/Final Order signed by all of the parties or for Complainant to file the Initial Prehearing Exchange. Respondent's counsel is in full agreement with this Motion.

Sincerely,



Stuart N. Keith

Counsel for Complainant

Dated: _____

7/31/08

In the Matter of Unites States Veterans Administration, Docket No. RCRA-02-2006-7504

CERTIFICATE OF SERVICE

I certify that I have on this day caused to be sent the foregoing STATUS REPORT AND MOTION FOR EXTENSION OF TIME, bearing the above-referenced docket number, in the following manner to the respective addressees below:

Original and one copy by hand to:

Office of the Regional Hearing Clerk.
U.S. EPA- Region II
290 Broadway, 16th floor
New York, New York 10007-1866

Copy by Pouch Mail :

Barbara A. Gunning
Office of Administrative Law Judges
U.S. Environmental Protection Agency
Mail Code 1900L
1200 Pennsylvania Ave, NW
Washington, DC 20460-2001

Copy by Certified Mail Return Receipt Requested:

Sheila Q. Weimer, Esq.
Office of Regional Counsel
U.S. Department of Veterans Affairs
120 Le Brun Road
Buffalo, NY 14215

Dated: JUL 31 2008
New York, New York


