

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 2

ENVIRONMENTAL  
PROTECTION AGENCY-REG. II  
2011 MAR 11 P 12:31  
REGIONAL HEARING  
CLERK

In the Matter of :

**Dana Transport**

**Respondent**

**MOTION**

Docket No. RCRA-02-2010-7112

**Motion Informing Agreement in Principle Reached by the Parties and  
Request for Extension of Time to File Executed Consent Agreement  
and Final Order**

COMES NOW Complainant, the U.S. Environmental Protection Agency (EPA) through the undersigned attorney, and respectfully alleges, prays and requests as follows:

On March 9, 2011, Dana Transport (Respondent) and the Environmental Protection Agency ("EPA" or "Complainant") (together, "the Parties") reached an agreement in principle dispositive of all matters asserted in the Administrative Complaint, including a penalty.

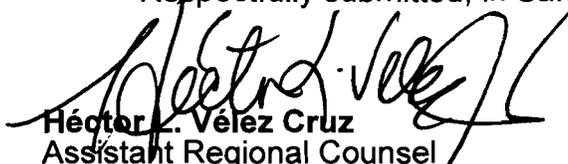
The Parties are engaged in settlement discussions in order to reach an agreement as to the final language and terms of the Consent Agreement and Final Order (CA/FO). Once the CA/FO is finalized it will be placed into concurrence within several EPA officers located in Region 2's San Juan and New York offices for their review and concurrence. Also, in order to file a duly executed CA/FO, the signature of the Respondent and the

signature of the Regional Administrator are required. Once this process concludes, the fully executed CA/FO will immediately be filed.

This Motion has been filed today in order to have the Chief Administrative Law Judge, Honorable Susan L. Biro, take notice of the agreement reached by the Parties and of the progress made in formalizing this agreement in a fully executed CA/FO. Due to the complexity of the review and concurrence process within the Agency and between the Parties in order to finalize a fully executed CA/FO, the Parties request the Honorable Presiding Officer extend the March 11, 2011 deadline established in the January 28, 2011 Prehearing Order until May 9, 2011, in order to file the duly executed CA/FO and notify its execution to the Presiding Officer.

This Motion was discussed today, March 9, 2011, with Mr. Dan Bonanni, Vice President of the Office of Risk Management for Dana Transport, who agreed to the filing of this motion.

Respectfully submitted, in San Juan, Puerto Rico, this 9<sup>th</sup> day of March, 2011.



**Héctor L. Velez Cruz**  
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Office of Regional Counsel  
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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION II

IN THE MATTER OF:

**Dana Transport,**

**Respondent**

**Motion**

Docket No. RCRA-02-2010-7112

CERTIFICATE OF SERVICE

I certify that I have this day caused to be sent the foregoing *Motion Informing Agreement in Principle Reached by the Parties and Request for Extension of Time to File Executed Consent Agreement and Final Order*, dated March 9, 2011, and bearing the above-referenced docket number, in the following manner to the respective addressees below:

Original and copy by facsimile, **Overnight Mail** to:

**Karen Maples**  
Regional Hearing Clerk  
Region II  
U.S. Environmental Protection Agency  
290 Broadway, 16<sup>th</sup> Floor  
New York, NY 10007-1866  
Fax (212) 637-3202.

Copy by facsimile, **Overnight Mail** to:

Respondent:  
**Mr. Dan Bonanni**  
Dana Transport, Inc.  
Vice-President  
Office of Risk Management  
210 East Essex Avenue  
Avenel, NJ 07001  
O: 800-733-3262, Ext. 106  
F: 732-596-1452  
[dbonanni@danacompanies.com](mailto:dbonanni@danacompanies.com)

Copy by facsimile, **Overnight Mail** to:

Chief Administrative Law Judge  
**Honorable Susan L. Biro**  
Office of Administrative Law Judges  
U.S. Environmental Protection Agency  
1099 14<sup>th</sup> Street, N.W., Suite 350  
Washington, D.C. 20005  
Fax (202) 565-0044.

Date

Page | 3

Name

