

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Region 2

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In the Matter of :
 :
Supreme Asset Management and : Hon. William B. Moran, Presiding Officer
Recovery, Inc., a/k/a Supreme Asset :
Management, Inc., :
 :
Respondent. :
 : Docket Number RCRA-02-2009-7106
Proceeding under Section 3008 of the :
Solid Waste Disposal Act, as amended. :
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U.S. ENVIRONMENTAL
PROTECTION AGENCY-REGION II
2010 FEB 16 PM 2:01
REGIONAL HEARING
CLERK

MOTION FOR ADDITIONAL TIME TO FILE CONSENT AGREEMENT

Complainant in this proceeding, the Director of the Division of Enforcement and Compliance Assistance, EPA, Region 2 (EPA), through her attorney, requests this Court permit the parties 10 additional days for them to execute their consent agreement. Respondent joins in this request for additional time. For the reasons set forth below, EPA submits that the requisite good cause exists for the Court to grant this motion.

As previously reported, in this case, administratively prosecuted under Section 3008(a) of the Solid Waste Disposal Act, as amended, 42 U.S.C. § 6928(a), EPA seeks a civil penalty of \$199,900 for alleged violations that arose in connection with the operation of Respondent's facility in Lakewood, New Jersey. The complaint alleges Respondent's illegal export of used and non-working cathode ray tube monitors, referred to as "CRTs" (either exported for recycling or reuse) and related violations. In the order of December 16, 2009, this Court "direct[ed] the parties to submit a finalized Consent Agreement and Final Order by February 19, 2009 [sic], or

in the alternative, file their initial prehearing exchanges by that date.”

Today (February 16, 2010), counsel for Respondent sent via e-mail (using the PDF format) the consent agreement executed by the president of Respondent (Albert Boufarah); the actual document (the “hard copy”) is being sent via Federal Express. Attached hereto is a copy of the signature page (Exhibit 1) indicating Mr. Boufarah has executed the document, along with the transmittal letter from counsel (Exhibit 2), stating that the consent agreement “was executed by [Respondent] on February 15, 2010.”¹

Thus, once the hard copy of the Consent Agreement with Mr. Boufarah’s signature arrives (expected at EPA tomorrow, Wednesday, February 17th), the undersigned will expeditiously endeavor to have Complainant execute the Consent Agreement and then have it forwarded to the Regional Administrator for her signature. There is no assurance, however, that both signatures would (or even could) be secured in the next two days, *i.e.* by February 19th, as specifically mandated by the Court’s December 16th order.

Therefore, so as not to run afoul of that order, Complainant now requests this additional amount to time in order to give the Agency a reasonable opportunity to effect the last measures of the settlement process, *i.e.* to secure the necessary Regional signatures. As noted, Respondent

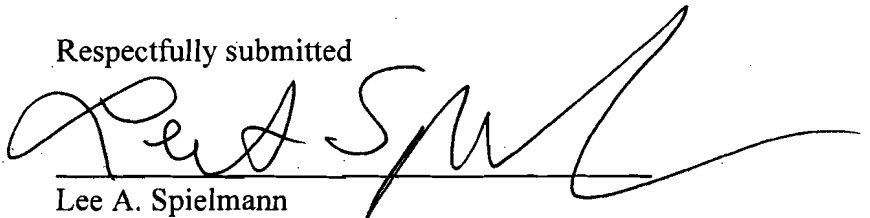
¹ As noted in Exhibit 2, Mr. Boufarah’s execution of the document was effected through use of a stamped signature. Respondent’s counsel today also transmitted a “Certification of Mitch Runko Regarding Execution of Consent Agreement and Final Order” (Exhibit 3), in which Mr. Runko, the National Director of Asset Management and Recovery at Respondent, asserts that Mr. Boufarah is “unavailable to physically sign the Consent Agreement and will be unavailable for the foreseeable future” (paragraph 3), that Mr. Boufarah has “accept[ed] and agree[d] to the terms contained” in the Consent Agreement (paragraph 4) and that Mr. Boufarah has authorized Mr Runko “to stamp the Consent Agreement with [Mr. Boufarah’s] signature stamp, which stamped signature should be regarded as an original signature of Albert Boufarah signifying [Respondent’s] agreement to the terms of the Consent Agreement” (paragraph 5). Exhibit 3.

has indicated he supports the relief herein sought. For self-evident reasons, neither party will be prejudiced by this extension, and, in fact, it is in their interest to receive it in order to avoid engaging in prehearing exchange in a case that, for all intents and purposes, sits on the threshold of actual settlement and conclusion. Complainant submits that the circumstances demonstrate that the good cause requirement of 40 C.F.R. § 22.7(b) exists for the granting of this motion.

Therefore, EPA respectfully moves this Court, pursuant to 40 C.F.R. §§ 22.4(c)(2), 22.7(b), 22.16(a) and 22.18(b)(2), for an order: **a)** vacating so much of the December 16th order as directed the parties to submit either the finalized settlement document or their initial prehearing exchanges by February 19th, and **b)** extending the time by 10 days – until March 1, 2010 – for the parties to submit either document.

Dated: February 16, 2010
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 William B. Moran
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

Christopher B. Healy, Esq.
Bathgate, Wegener & Wolf
Counsel for Respondent
One Airport Road
P.O. Box 2043
Lakewood, New Jersey 08701

In re Supreme Asset Management and Recovery, Inc.,
Docket Number RCRA-02-2009-7106

RESPONDENT:

BY: Albert Bdufarah

NAME: ALBERT BDUFARAH

TITLE: PRESIDENT

DATE: 2/15/2010

COMPLAINANT:

BY: _____
Dore LaPosta, Director
Division of Enforcement and Compliance
Assistance
U.S. Environmental Protection Agency -
Region 2

DATE: _____

Exhibit 2

BATHGATE, WEGENER & WOLF

A PROFESSIONAL CORPORATION
ATTORNEYS AT LAW
ONE AIRPORT ROAD
POST OFFICE BOX 2048
LAKEWOOD, NEW JERSEY 08701

(732) 383-0888

FAX #

(732) 383-9884

E-Mail: law@bathweg.com
Direct: chealy@bathweg.com

February 16, 2010

VIA FEDERAL EXPRESS AND EMAIL/PDF

Lee Spielmann, Esq.
Assistant Regional Counsel
U.S. Environmental Protection Agency
Region 2
290 Broadway, 21st Floor
New York, NY 10007-1866

**RE: Supreme Asset Management & Recovery
Docket Number RCRA-02-2009-71**

Dear Mr. Spielmann:

Enclosed please find the consent agreement and final order in the above referenced enforcement action, which was executed by my client on February 15, 2010. Also, per our discussion, I have included a certification of Mitch Runko regarding the stamped signature of Albert Boufarah.

Sincerely,


CHRISTOPHER B. HEALY

cc: Mitchell Runko, Supreme Asset Management & Recovery (via email)

BATHGATE, WEGENER & WOLF
One Airport Road, P.O. Box 2043
Lakewood, New Jersey 08701
(732) 363-0666; Fax (732) 363-9864
Attorneys for Respondents Supreme Asset
Management & Recovery, Inc.

IN THE MATTER OF:

SUPREME ASSET MANAGEMENT &
RECOVERY INC.

Respondents.

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

DOCKET NO. RCRA-02-2009-7106

**CERTIFICATION OF MITCH RUNKO
REGARDING EXECUTION OF CONSENT
AGREEMENT AND FINAL ORDER**

I, MITCH RUNKO, certify as follows:

1. I am National Director of Asset Management & Recovery at Supreme Asset Management and Recovery ("SAMR") and I make this certification in furtherance, and as part of, the execution of the Consent Agreement and Final Order in the matter of Supreme Asset Management & Recovery, Inc., Docket No. RCRA-02-2009-7106 (Proceeding under Section 3008 of the Solid Waste Disposal Act, as amended) (the "Consent Agreement").

2. The only person authorized to execute the Consent Agreement on behalf of SAMR is Albert Boufarah.

3. Albert Boufarah is unavailable to physically sign the Consent Agreement and will be unavailable for the foreseeable future.

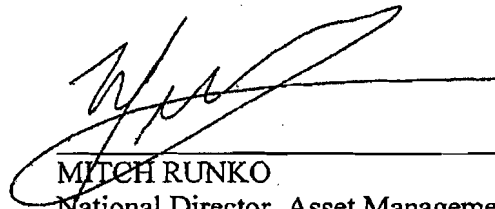
4. I have reviewed and discussed the Consent Agreement with Albert Boufarah and he has verbally informed me that he accepts and agrees to the terms contained therein.

5. Albert Boufarah has authorized me to stamp the Consent Agreement with his signature stamp, which stamped signature should be regarded as an original signature of Albert Boufarah signifying SAMR's agreement to the terms of the Consent Agreement.

6. I declare under penalty of perjury that the statements contained herein are true and correct.

DATE:

2/15/10



MITCH RUNKO

National Director, Asset Management and Recovery
Supreme Asset Management & Recovery, Inc.

In re Supreme Management and Recovery, Inc.,
Docket No. RCRA-02-2009-7106

CERTIFICATE OF SERVICE

I certify that I have this day caused to be sent the foregoing "MOTION FOR ADDITIONAL TIME TO FILE CONSENT AGREEMENT" (including the exhibits attached thereto), dated February 16, 2010, 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

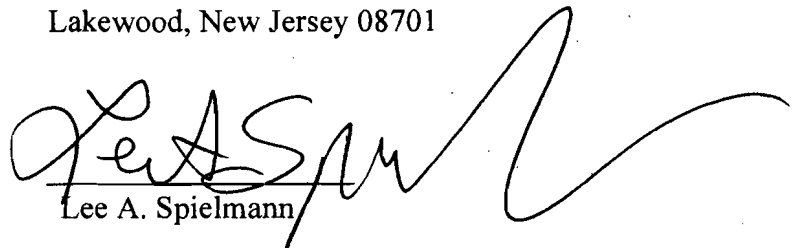
Copy by Fax Transmission,
202-565-0044, and Pouch Mail:

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

Copy by Fax Transmission,
732-363-9864 and First Class Mail:

Christopher B. Healy, Esq.
Bathgate, Wegener & Wolf
One Airport Road
P.O. Box 2043
Lakewood, New Jersey 08701

Dated: February 16, 2010
New York, New York


Lee A. Spielmann

