

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 2

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In the Matter of :  
Puerto Rico Army National Guard, :  
Camp Santiago, and the Army & Air: Force Exchange Service, :  
Camp Santiago, Salinas, PR :  
Respondents :  
Proceeding Under Section 9006 :  
Of the Solid Waste Disposal Act :  
as amended. :  
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JOINT STATUS REPORT  
AND JOINT MOTION  
FOR EXTENSION OF THE

RCRA-02-2008-7502

U.S. ENVIRONMENTAL  
PROTECTION AGENCY-REGION 2  
2008 NOV 28 AM 10:05  
REGIONAL HEARING  
FILED

JOINT STATUS REPORT

This Joint Status Report is in response to your Prehearing Order, dated November 25, 2008. During the past four months, the parties in the above-referenced proceeding have participated in Alternative Dispute Resolution ("ADR") with mediator, Judge William Moran. As of the date when ADR expired, on November 12, 2008, the parties reached a settlement in principle, subject to memorialization of the terms and conditions in two separate Consent Agreement/Final Orders ("CA/FOs").

Given that the settlements between Complainant and each Respondent are different with respect to civil penalty and compliance/injunctive measures, and given that one of the settlements involves a Supplemental Environmental Project ("SEP"), the parties believe it will be preferable to enter into two separate settlement documents.

During the past several weeks, Complainant's counsel has been preparing separate draft separate settlement documents, which are presently undergoing review by Complainant's program office. Since these settlements both involve federal facilities, EPA headquarters Federal Facilities Enforcement Office must also review the settlement documents.

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Given the different and multiple layers of review, it is expected to take several more weeks before draft CA/FOs are ready to be sent to the Respondents for their review and comment. After Respondents provide feedback on the CA/FOs, the CA/FOs will undergo concurrence in Complainant's office and then an execution copy of the documents will be sent to Respondents for their respective signatures.

**JOINT MOTION FOR EXTENSION OF TIME REQUESTING THE COURT TO  
EXTEND THE TIME FOR SUBMITTING PREHEARING EXCHANGES AND ALLOWING  
SUFFICIENT TIME TO FILE FULLY EXECUTED CA/FO WITH THE COURT**

In light of the foregoing, the parties file this motion pursuant to 40 C.F.R. Section 22.16(a), requesting that your Honor extend the prehearing exchanges deadlines for sixty (60) days, until March 12, 2009 (Complainant's Initial Prehearing Exchange), April 17, 2009 (Respondents' Prehearing Exchange) and May 3, 2009 (Complainant's Rebuttal Prehearing Exchange (if necessary)). Complainant's counsel has conferred with Respondents' counsel and they concur in this request for extension. This will allow the parties to focus their attention and resources in getting settlement documents finalized, reviewed and approved by their respective signatories, rather than engage in prehearing discovery at this time.

Dated: November 26, 2008  
New York, New York

Respectfully submitted,



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Bruce Aber  
Counsel for Complainant

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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 November 26, 2008, bearing the above-referenced docket number, in the following manner to the addressees listed below:

Copy by Facsimile:                   Honorable Barbara A. Gunning  
& Certified Mail/Return       Administrative Law Judge  
Receipt Requested               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 &  
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Requested:

Randy Chambers  
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William E. O'Connor, CPT, JA  
Joint Forces Headquarters  
The Adjutant General's Office  
P.O. Box 9023786  
San Juan, Puerto Rico 00902-3786


And

Michael C. Whittington, Esq.  
Associate General Counsel  
Army and Air Force Exchange  
3911 S. Walton Walker Boulevard  
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Original and Copy  
By Hand Delivery:

Karen Maples ✓  
Regional Hearing Clerk  
U.S. Environmental Protection Agency  
Region 2  
290 Broadway, 16<sup>th</sup> Floor  
New York, N.Y. 10007-1866

Dated: November 26, 2008  
New York, New York

  
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Bruce Aber  
Assistant Regional Counsel