

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

In the Matter of:

National Realty and Development Corp.
Equity Partners,
Respondent.

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

REGION II

MOTION FOR EXTENSION
OF TIME

Docket No. RCRA-02-2008-7108

U.S. ENVIRONMENTAL
PROTECTION AGENCY-REGION II
2008 NOV 10 AM 3:21
REGIONAL HEARING
CLERK

MOTION FOR EXTENSION OF TIME

In regard to the Prehearing Order dated October 1, 2008 issued by Administrative Law Judge William B. Moran, presiding officer in this case, counsel for Complainant submits the following motion for extension of time.

The parties held a settlement conference on October 15, 2008. As of this writing, the parties have reached an agreement and a settlement document was sent to Respondent's counsel for review. Following discussion of that document, there are no disagreements as to the terms of the settlement. However, obtaining all of the appropriate approvals of upper management at EPA may take several weeks (I expect that it will also take time for Respondent to obtain final approval and signature.). Counsel for Complainant expects to be out of the office from November 12 to November 26, 2008 for necessary surgery and recovery. During counsel for Complainant's absence, arrangements have been made for the approval process to continue. The Prehearing Exchange is currently due on December 3, 2008.

The Complainant proposes that the parties be granted a 15 day extension to the schedule set forth in the Prehearing Order. This would give the parties until December 18, 2008 to obtain the necessary approvals and file either a Consent Agreement/Final Order signed by both parties or, in the unlikely event that the necessary approvals are not given, to file the Initial Prehearing Exchange. Respondent's counsel is in full agreement with this Motion.

Thank you for your consideration.

Sincerely,



Stuart N. Keith

Counsel for Complainant

Dated: 11/10/08

In the Matter of National Realty and Development Corp., Docket No. RCRA-02-2006-7504

CERTIFICATE OF SERVICE

I certify that I have on this day caused to be sent the foregoing 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 :

Judge William B. Moran
U.S. Environmental Protection Agency
Office of Administrative Law Judges
Mail Code 1900L
1200 Pennsylvania Ave, NW
Washington, DC 20460-2001

Copy by Certified Mail Return Receipt Requested:

Lewis Goldshore, Esq.
Goldshore, Cash & Kalac, P.C.
Crossroads Corporate Center
3150 Brunswick Pike, Suite 150
Lawrenceville, NJ 08648

Dated: NOV 10 2008
New York, New York

Mildred Boes