

REGION II
290 BROADWAY
NEW YORK, NEW YORK 10007-1866



January 7, 2010

The Honorable Spencer Nissen
Office of the Administrative Law Judges
U.S. Environmental Protection Agency
Mail Code 1900L
1200 Pennsylvania Ave. N.W.
Washington, D.C. 20460

RE: In the Matter of Welch Foods, Inc.
Docket No. CERCLA-02-2009-2030

Dear Judge Spencer Nissen:

Attached please find the joint status report and request for extension filed by both the Complainant and Respondent in the above-referenced case.

Sincerely yours,

Argie Cirillo, Esq.
Assistant Regional Counsel
Office of Regional Counsel
New York/Caribbean Superfund Branch

cc: Karen Maples, Regional Hearing Clerk
Paul E. Burroughs, Esq.

U.S. ENVIRONMENTAL
PROTECTION AGENCY-REGION II
2010 JAN -7 AM 10:15
REGIONAL HEARING
CLERK

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2

-----X
)
IN THE MATTER OF:) Docket No. EPCRA-02-2009-2030
)
Welch Foods, Inc.)
100 North Portage Street)
Westfield, New York 14787)
)
Respondent.)
-----X

STATUS REPORT AND REQUEST FOR EXTENSION

This report will advise that Complainant and Respondent have held settlement discussions and have reached a settlement in principle. Complainant is in the process of drafting the Consent Agreement/Final Order ("CA/FO"). A draft CA/FO will be provided to Respondent by next week for its review. In furtherance of informal settlement discussions, both Complainant and Respondent seek a 30 day extension of the ADR process.

Argie Cirillo
Assistant Regional Counsel
U.S.E.P.A. Region 2
290 Broadway,
New York, NY 10007-1866
Attorney for Complainant

Paul E. Burroughs
Quinn, Buseck, Leemhuis, Toohey & Kroto, Inc.
Attorneys At Law
2222 W. Grandview Blvd.
Erie, PA 16506

Dated: January 7, 2010

CERTIFICATION OF SERVICE

This is to certify that I have this day caused to be sent the foregoing Status Report and request for extension, bearing Docket Number EPCRA-02-2009-2030, in the following manner to the respective addressees listed below:

Original by telefax and regular mail to:

The Honorable Spencer Nissen
Office of the Administrative Law Judges
U.S. Environmental Protection Agency
Mail Code 1900L
1200 Pennsylvania Ave. N.W.
Washington, D.C. 20460

Copy by hand delivery to:

Karen Maples
Regional Hearing Clerk
U.S. Environmental Protection Agency, Region 2
290 Broadway, 16th floor
New York, New York 10007-1866

Copy by certified mail to:

Paul E. Burroughs
Quinn, Buseck, Leemhuis, Toohey & Kroto, Inc.
Attorneys At Law
2222 W. Grandview Blvd.
Erie, PA 16506

Date:

January 7, 2010

Name:

Argie Cirillo

Title:

Assistant Regional Counsel