

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**  
**Region 2**

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In the Matter of: :  
Niagara Ceramics Corporation, : Docket No. **RCRA-02-2007-7114**  
Respondent. :  
Proceeding Under Section 3008 of the : Honorable William B. Moran,  
Solid Waste Disposal Act, as amended. : **Presiding Officer**  
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U.S. ENVIRONMENTAL  
PROTECTION AGENCY-REG-211  
2008 MAR 31 PM 3:47  
REGIONAL HEARING  
CLERK

**STATUS REPORT**

This status report is submitted in compliance with the Court's "Order Directing Status Report," dated March 26, 2008.

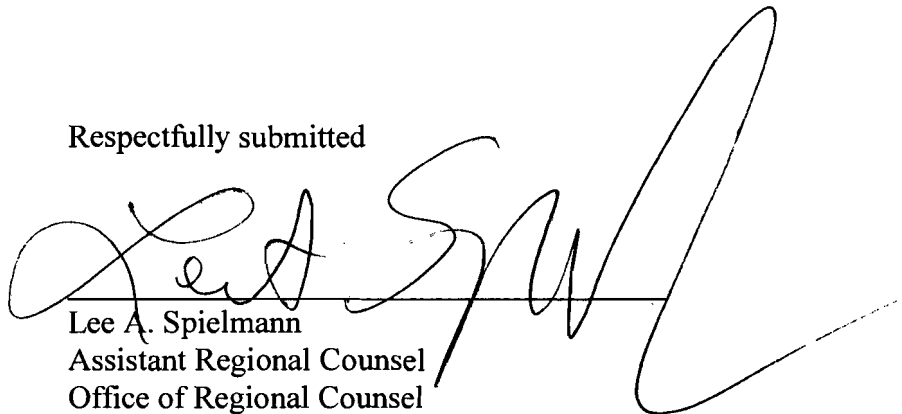
As noted in the prior status report of March 7<sup>th</sup>, the parties have reached a settlement in principle. More specifically, they have reached an agreement as to the amount to be paid as a civil penalty; there does not appear to be any additional issues that might derail this settlement. While the March 7<sup>th</sup> report noted that settlement papers likely will be drafted by the end of March, because of other commitments (a hearing scheduled in mid-May), however, the undersigned has not been able to draft such papers; it is expected they will be drafted later this week or early next week. At that point, such papers will be circulated within the region for formal concurrence. The undersigned anticipates that the entire process, through execution of the final order accompanying the parties' ratified consent agreement, will take some six to eight weeks, the time customarily needed to secure all necessary approvals and to obtain all necessary signatures.

As noted in the March 7<sup>th</sup> report, "[w]hile this settlement agreement remains tentative (for

neither side has upper management approval been secured), the undersigned does not anticipate problems in effecting it.”

Dated: March 31, 2008  
New York, New York

Respectfully submitted

A large, stylized handwritten signature in black ink, appearing to read 'Lee A. Spielmann', is written over a horizontal line.

Lee A. Spielmann  
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TO: Honorable William B. Moran  
Administrative Law Judge  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, N.W.  
Mail Code 1900L  
Washington, DC 20005

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U.S. Environmental Protection Agency, Region 2  
290 Broadway, 16<sup>th</sup> floor  
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3400 HSBC Center  
Buffalo, New York 14203

***In re Niagara Ceramics Corporation***  
**Docket No. RCRA-02-2007-7114**

CERTIFICATE OF SERVICE

I certify that I have this day caused to be sent the foregoing Status Report, dated March 31, 2008, 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

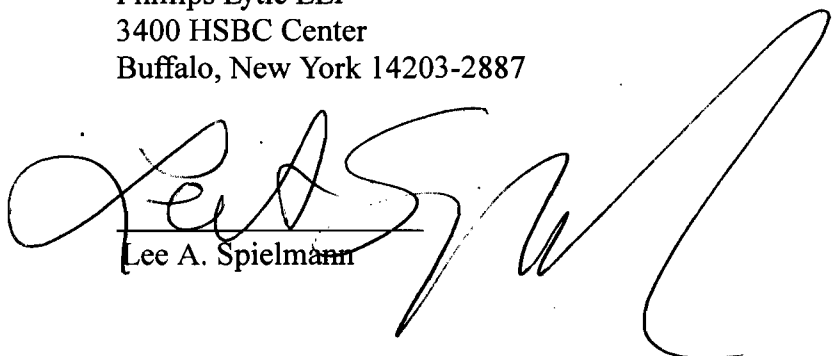
Copy by Pouch Mail:

Honorable William B. Moran  
Administrative Law Judge  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, N.W.  
Mail Code 1900 L  
Washington, DC 20005

Copy by First Class Mail:

Michael C. Murphy, Esq.  
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Buffalo, New York 14203-2887

Dated: March 31, 2008  
New York, New York

  
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Lee A. Spielmann