

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION II

In the Matter of:  
  
City of Buffalo,  
  
Respondent.  
  
Proceeding Under Section 3008  
of the Solid Waste Disposal Act,  
as amended.

STATUS REPORT

Docket No. RCRA-02-2010-7503

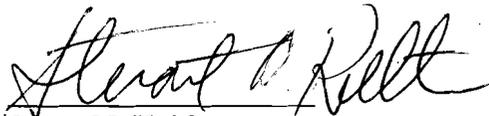
U.S. ENVIRONMENTAL  
PROTECTION AGENCY-REG.II  
2010 DEC 17 P 2:24  
REGIONAL HEARING  
CLERK

STATUS REPORT

In accordance with the Order issued by Administrative Law Judge Barbara A. Gunning, the presiding officer in this case, during a status conference call with the parties on December 2, 2010, counsel for Complainant submits the following status report.

During the conference call, ALJ Gunning told the parties that, contrary to their view of this matter as being settled, the case could be resolved only by either a withdrawal of the Complaint or a through a Consent Agreement. The ALJ ordered the parties to decide between those two options and submit a status report by December 17, 2010. The parties have decided to resolve this matter with a Consent Agreement and Final Order.

Sincerely,



Stuart N. Keith

Counsel for Complainant

Dated: \_\_\_\_\_

12/14/10

In the Matter of City of Buffalo, Docket No. RCRA-02-2010-7107

**CERTIFICATE OF SERVICE**

I certify that I have on this day caused to be sent the foregoing STATUS REPORT 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, 16<sup>th</sup> floor  
New York, New York 10007-1866

Copy by Pouch Mail :

Barbara A. Gunning  
Administrative Law Judge  
EPA Office of Administrative Law Judges  
1200 Pennsylvania Ave, NW  
Mail Code 1900L  
Washington, DC 20460

Copy by Certified Mail Return Receipt Requested:

Alan P. Gerstman, Esq.  
Assistant Corporation Counsel  
City of Buffalo Department of Law  
1100 City Hall  
65 Niagara Square  
Buffalo, NY 14202

Dated: DEC 14 2010  
New York, New York

Smildred N. Baer