

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2

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In the Matter of :
Puerto Rico Air National Guard, :
U.S. Air Force :
Respondent :
:
Proceeding Under Section 9006 :
Of the Solid Waste Disposal Act :
as amended. :
-----X

JOINT STATUS REPORT
RCRA-02-2009-7506

U.S. ENVIRONMENTAL
PROTECTION AGENCY REGION 2
MAY 18 AM 11:20
REGIONAL HEARING
OFFICE

JOINT STATUS REPORT

The Parties in the above-referenced matter understand that the Alternative Dispute Resolution period, with Judge Gunning, terminated on May 15, 2010. This to advise your Honor that the Complainant and Respondent have agreed to compliance terms and a civil penalty in settlement of this administrative enforcement proceeding. On April 27, 2010, Complainant's counsel sent Respondent's counsel a draft Consent Agreement/Final Order ("CA/FO") for review and comment. Complainant expects to receive Respondent's feedback by no later than this week. After Complainant receives Respondent's feedback and addresses any concerns regarding the language of the CA/FO, the document will undergo review by EPA Headquarters Federal Facility Enforcement Office (HQ FFEO). After the language is agreed upon by the parties and HQ FFEO has been consulted, the document will undergo concurrence at EPA, Region 2, prior to being sent to the Respondent for signature.

Given that the Respondent in this case has different offices (ie., the Puerto Rico National Guard and the U.S. Air Force) in the Commonwealth of Puerto Rico and the mainland that require coordination and review and approval of the settlement document, approval of the document may take additional time.

Please forward the above information to the Judge that you assign to handle this administrative case, as the Parties would like additional time to complete the memorialization of this

In the Matter of Puerto Rico Air National Guard, U.S. Air Force,
Docket No. RCRA-02-2009-7506

agreement, receive required approvals, and file an executed
CA/FO with the Court instead of preparing for litigation.

Dated: May 17, 2010
New York, New York

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'BA', with a stylized flourish at the end.

Bruce Aber
Counsel for Complainant

In the Matter of Puerto Rico Air National Guard, U.S. Air Force,
Docket No. RCRA-02-2009-7506

CERTIFICATE OF SERVICE

I certify that I have this day caused to be sent the foregoing Joint Status Report, dated May 17, 2010, bearing the above-referenced docket number, in the following manner to the addressees listed below:

Copy by Facsimile
& Certified Mail/Return
Receipt Requested

Honorable Susan L. Biro
Chief, Administrative Law Judge
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 &
Certified Mail/Return Receipt
Requested:

Phillip Burton Gray,
NGB-JA Office of Chief Counsel
Jefferson Plaza #1, Suite 11300
1411 Jefferson Davis Highway
Arlington, Virginia 22202-3682

Original and Copy
By Hand Delivery:

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

Dated: May 17, 2010
New York, New York



Bruce Aber
Assistant Regional Counsel