

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 2

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In the Matter of :  
Schmitt Sales, Inc. :  
Respondent. :  
Proceeding under Section 9006 of :  
the Solid Waste Disposal Act, as amended. :  
----- x

STATUS REPORT

Docket No.  
RCRA-02-2011-7508


U.S. ENVIRONMENTAL  
PROTECTION AGENCY-REG. II  
2011 OCT 27 P 2:06  
REGIONAL HEARING  
CLERK

STATUS REPORT

In accordance with the Prehearing Order issued by the Presiding Officer in this case, dated September 23, 2011, counsel for Complainant submits the following status report.

The parties met for a settlement conference on October 19, 2011. Counsel for Respondent is in the process of providing further information regarding some of the allegations in the Complaint which Complainant hopes to evaluate soon and then the parties will have a better idea of regarding whether this case can be settled.

Sincerely,



Counsel for Complainant

Date: Oct. 27, 2011

**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.

The Honorable Barbara Gunning, Administrative Law Judge  
EPA Office of Administrative Law Judges  
1200 Pennsylvania Avenue, N.W.  
Mail Code 1900L  
Washington, DC 20460-2001

Copy by Certified Mail Return Receipt Requested:

Thomas J. Fucillo, Esq.  
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Syracuse, NY 13204-1498

Dated: OCT 27 2011  
New York, New York

Smildred N. Bay