

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 2

U.S. ENVIRONMENTAL
PROTECTION AGENCY-REG. II
2012 SEP -4 P 12:06
REGIONAL HEARING
CLERK

IN THE MATTER OF:)
)
Lafarge Building Materials, Inc.)
Ravena Cement Plant) PROCEEDING TO ASSESS A
1916 Route 9W, Ravena, New York) CLASS II CIVIL PENALTY
SPDES Permit NY0005037)
)
Respondent,) Docket No. CWA-02-2012-3401
)
)
Proceeding pursuant to Section 309(g))
of the Clean Water Act, 33 U.S.C. § 1319(g))

JOINT STATUS REPORT AND REQUEST FOR STAY

COMES NOW Complainant Environmental Protection Agency ("EPA") and, with the consent of Respondent Lafarge Building Materials, Inc. ("Lafarge"), hereby submits this Joint Status Report and Request for Stay and reports the following:

1.

Complainant and Respondent participated in voluntary mediation with Administrative Law Judge Barbara Gunning.

2.

The mediation process was successful and the parties have reached a settlement. The Respondent has already executed both a Consent Agreement and Final Order ("CAFO") resolving this matter and an Administrative Compliance Order ("ACO") addressing additional corrective actions to be taken by the Respondent.

3.

On Friday, August 24, 2012, the Complainant received the CAFO and ACO signed by the Respondent, and the Complainant is now in the process of executing both documents. It is anticipated that the documents can be signed by Complainant and filed within the next two weeks

4.

The parties understand that the mediation period has expired. Given that a settlement has been reached and at least one of the parties has signed the CAFO, the parties respectfully ask that the case be stayed until September 14, 2012, to allow the Complainant the time to complete the concurrence process and to execute the CAFO.


5.

The parties will either submit the executed CAFO by September 14, 2012, or submit another Joint Status Report.

6.

Adam Sowatzka, Attorney for Respondent, concurs with and consents to the filing of this Status Report and the request for a stay as proposed herein.

Respectfully submitted this, the 30th day of August, 2012.



Diane Gomes
Assistant Regional Counsel
Office of Regional Counsel
Region 2
United States Environmental Protection Agency
290 Broadway – 16th Floor
New York, New York 10007
Tel. 212 637-3235
Fax 212 637-3202

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 2

In The Matter of

Lafarge Building Materials, Inc.
Ravena Cement Plant
1916 Route 9W, Ravena, New York
SPDES Permit NY0005037

Respondent.

Proceeding pursuant to Section 309(g) of
the Clean Water Act, 33 U.S.C. §1319(g)

DOCKET NO. CWA-02-2012-3401

CERTIFICATE OF SERVICE

I certify that, on the date noted below, I served the foregoing Joint Status Report and Request for Stay, bearing the above-referenced docket number, in the following manner.

Copy by Certified Mail
Return Receipt Requested:

Adam G. Sowatzka, Esq.
Baker, Donelson, Bearman, Caldwell & Berkowitz, PC
Monarch Plaza, Suite 1600
3414 Peachtree Rd. NE
Atlanta, Georgia 30326-1153

Original and One Copy
By Internal Mail (pouch):

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


Copy By Telefacsimile and
Internal Mail (pouch):

Honorable Susan L. Biro
Chief, Administrative Law Judge (1900)
U.S. Environmental Protection Agency
Ariel Rios Building
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460

Honorable Barbara A. Gunning
Administrative Law Judge (1900)
U.S. Environmental Protection Agency
Ariel Rios Building
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460

Date

8/30/12


Secretary