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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 2

U.S. ENVIRONMENTAL  
PROTECTION AGENCY-REG. II  
2009 SEP 22 PM 3:57  
REGIONAL HEARING  
CLERK

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In the Matter of	:	
	:	
U.S. Department of Veterans Affairs,	:	MOTION FOR EXTENSION OF TIME TO FILE PREHEARING EXCHANGE
	:	
Respondent.	:	Docket No. RCRA-02-2008-7507
	:	
Proceeding Under Section 9006 of the Solid Waste Disposal Act, as amended	:	
-----X	:	

**MOTION FOR EXTENSION OF TIME TO FILE PREHEARING EXCHANGE**

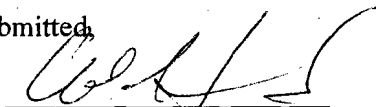
Counsel for Complainant and Respondent have conferred on this Motion and counsel for Respondent has authorized counsel for Complainant to submit this Motion for Extension of Time to File Prehearing Exchange.

By your Honor's Prehearing Order dated June 18, 2009, the parties were directed to hold a settlement conference on or before July 31, 2009. The parties have held such a settlement conference and have had numerous settlement discussions since that date as well. Complainant was ordered to file a status report on or before August 12, 2009. Complainant filed such a report on August 12, 2009 informing your Honor that the parties were making good progress toward a settlement and that such a settlement involved a Supplemental Environmental Project (SEP). Complainant noted that the parties were mindful of the Prehearing Exchange deadline and indeed considerable progress has been made on the specifics of the proposed SEP. Finally, Complainant reminded your Honor that this matter involves two federal agencies and many levels of management review.

The parties remain committed to resolving this matter expeditiously and without resort to expensive and resource-intensive litigation. Based on the above, Complaint hereby respectfully requests the grant of additional time to file its Prehearing Exchange as such a filing should not be necessary in this matter. As noted, Respondent does not oppose this Motion.

Complainant respectfully proposes that its Prehearing Exchange due date be extended to December 21, 2009.

Respectfully submitted,

7-22-09 

Dated Carl R. Howard  
Assistant Regional Counsel  
Environmental Protection Agency - Region 2  
290 Broadway  
New York, New York 10007-1866  
(212) 637-3216

In the Matter of U.S Department of Veterans Affairs,  
Docket No. RCRA-02-2008-7507

CERTIFICATE OF SERVICE

I certify that I have this day caused (or am causing) to be sent the foregoing Joint Motion For Extension of Time to File Prehearing Exchanges to the following addressees listed herein in the manner listed below:

Copy by facsimile and Pouch Mail:

Judge Barbara A. Gunning  
Office of Administrative Law Judges  
U.S. Environmental Protection Agency  
Mail Code 1900L  
1200 Pennsylvania Avenue, N.W.  
Washington, DC 20460-2001

Original and One Copy Hand Delivered to:

Ms. Karen Maples  
Regional Hearing Clerk  
U.S. Environmental Protection  
Agency, Region II  
290 Broadway  
New York, NY 10007-1866

Copy by Regular Mail to Attorney for Respondent:

Ms. Joy Vilardi Rizzuto, Esq.  
Senior Attorney  
Dept. of Veterans Affairs  
Office of Regional Counsel  
VA Caribbean Healthcare System  
10 Casia Street  
San Juan, PR 00921-3201

7-22-09

Date

  
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