

**UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 2**

U.S. ENVIRONMENTAL
PROTECTION AGENCY REGION 2
2010 APR 12 PM 10:16
REGIONAL HEARING
OFFICE

IN THE MATTER OF:

Leroux Oil Co.
3546 Chateaugay Street
Fort Covington, New York 12937

Respondent

Proceeding Pursuant to §311(b)(6) of the
Clean Water Act, 33 U.S.C. §1321(b)(6), for
SPCC Violations

Proceeding to Assess Class I Civil
Penalty Under Section 311(b)(6) of
the Clean Water Act

Docket No. CWA-02-2009-3810

**MOTION FOR STAY OF PROCEEDINGS PENDING EXECUTION OF CONSENT
AGREEMENT AND FINAL ORDER**

Region 2 of the United States Environmental Protection Agency (“the Region”) requests that the Regional Judicial Officer grant a 15-day stay of the proceedings in the above-captioned matter.

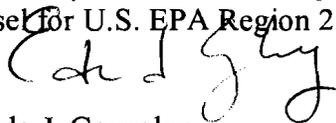
The parties have memorialized their agreement in a draft Consent Agreement and Final Order, which Complainant forwarded today to the undersigned. Copy of the draft CA/FO is hereby attached.

The parties believe that this matter presents no issues which preclude the final execution of the document by the parties.

Complainant’s counsel and Respondent’s counsel have discussed and agree to the foregoing Motion.

The current order from the Regional Judicial Officer expires on April 20, 2010. In order to provide additional time in the event the parties need it, EPA requests that the Regional Judicial Officer extend the deadline for the filing of the executed CA/FO to May 5, 2010 without prejudice to Respondent’s right to request re-activation of the proceedings if that should prove necessary.

Respectfully submitted, this April 9, 2010,
Counsel for U.S. EPA Region 2:



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DOCKET NO. CWA-02-2009-3810

CERTIFICATE OF SERVICE

I certify that, on the date noted below, I served the foregoing MOTION FOR STAY OF PROCEEDINGS, bearing the above-referenced docket number, in the following manner.

Copy to Respondent's Counsel
by Certified Mail

Return Receipt Requested Kevin M. Young, Esq.
Executive Woods,
Five Palisades Drive
Albany, NY 12205

Original and One Copy
By Internal Mail (pouch): Regional Hearing Clerk
U.S. Environmental Protection Agency
290 Broadway, 16th floor
New York, New York 10007-1866

Copy By Facsimile and
Internal Mail (pouch) Helen S. Ferrara
Regional Judicial Officer
U.S. Environmental Protection Agency
290 Broadway, Room 1626
New York, NY 10007-1866

Date:

4/9/10

(Signature)

