



U.S. ENVIRONMENTAL
PROTECTION AGENCY-REG. II
2007 MAY -4 PM 4:05
GSA Northeast & Caribbean Region
REGIONAL HEARING
CLERK

By Fax: (212) 637 3199

May 3, 2007

Helen Ferrara, Regional Judicial Officer
U.S. Environmental Protection Agency, Region 2
290 Broadway, 16th floor
New York, New York 10007-1866

Re: In the Matter of the United States General Services Administration, Respondent
Docket No. RCRA-02-2007-7103

Dear Ms. Ferrara:

I am an Assistant Regional Counsel assigned to the Office of Regional Counsel, Region 2, General Services Administration (GSA), Respondent in the referenced proceeding. I have been authorized to make the within application on behalf of GSA.

GSA respectfully requests that its time to answer (and otherwise move or respond to) the Complaint herein be extended for 45 days to June 25, 2007. The Complaint, dated March 30, 2007, was sent to the various GSA officials by various methods of mailing bearing postmarks of April 5, 2007 or April 6, 2007. One copy of the Complaint was mailed by certified mail, return receipt requested, postmarked April 5, 2007, addressed to Emily R. Baker, GSA Regional Administrator, Region 2. The return receipt was signed on April 9, 2007. (Other copies of the Complaint were sent by ordinary mail and postmarked April 6, 2007). Accordingly, the time to answer is no earlier than May 9, 2007. (The foregoing statements are made to solely to show the timeliness of this application. They shall not be construed as an admission that service of the Complaint was duly made upon GSA and are without prejudice to the rights of GSA to contest jurisdiction as it may deem appropriate.)

EPA and GSA are actively engaged in settlement discussions in order to resolve the underlying alleged violations without a hearing by mutually agreeing to a Consent Agreement and Final Order (CA/FO). The negotiations have included several meetings attended by both regional and headquarters representatives of the respective agencies, the exchange of several drafts of the CA/FO and attachments, and numerous telephone calls and emails between counsel. GSA has submitted a proposed Supplemental Environmental Program (SEP) along with proposed SEP Costs that were accepted by

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EPA. Additionally, the parties have agreed to the amount of a fine to be paid by GSA. The parties are still working on appropriate language and similar details in memorializing their agreements in the CA/FO.

Recently, on May 2, 2007, GSA forwarded comments to the most current draft of the CA/FO to EPA. EPA has indicated that it will have feedback on GSA's proposals by the end of this week or the middle of next week. We believe that it would be more productive if the energies of the parties were devoted exclusively to the settlement effort, rather than preparing for litigation

I have consulted with Gary Nurkin, EPA Assistant Regional Counsel, the EPA attorney assigned to this matter, respecting this application. He has indicated that he would concur (or not oppose) an extension request of up to 45 days. He further indicated that as we get closer to the new deadline, depending upon where we are in settlement negotiations, he would favorably consider a request for a further extension.

Accordingly, it respectfully requested that GSA's motion be granted, without prejudice to its right to seek such further extensions as may be needed. The undersigned further requests to be notified of the determination of this application by fax or email at the addresses listed below.

Yours very truly,



Joshua Roth
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Original and one copy to:

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Copies to:

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