

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Region 2

U.S. ENVIRONMENTAL
PROTECTION AGENCY-REG. 2
2008 MAY 13 PM 1:30
REGIONAL HEARING
CLERK

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In the Matter of :
 :
 :
U.S. Department of Agriculture :
Agricultural Research Service :
Tropical Agricultural Research Station :
Mayaguez and Isabela, Puerto Rico :
 :
 :
Respondent. :
 : Docket Number RCRA-02-2008-7505
Proceeding under Section 9006 of the :
Solid Waste Disposal Act, as amended :
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Joint Status Report

This status report is submitted pursuant to Judge Moran's verbal order last May 6th.

As the attorneys for the parties told Judge Moran on the telephone last week, the parties had reached an agreement on a sum certain but were still negotiating the language in the consent agreement and final order ("CA/FO"). The parties have now reached an agreement on the language of the CA/FO as well. Although the undersigned does not expect any problems, under standard agency procedure for agreements with federal facilities, this CA/FO is subject to the approval of EPA headquarters and EPA Region 2 upper management. The undersigned will soon start circulating the CA/FO internally for concurrences. After the required signatures are obtained, the CA/FO will be mailed to Respondent's attorney. Both Complainant and

Respondent understand the importance of moving this process as fast as possible. Attorneys for the parties estimate that they could have an executed CA/FO by June 19, 2009.

Attorneys for the parties appreciate the opportunity that Judge Moran has given us to finalize this agreement.

Dated: 5/13/09
New York, New York

Respectfully submitted,



Rudolph S. Perez
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**In the Matter of U.S. Department of Agriculture, Agricultural Research Service, Tropical
Agricultural Research Station, Mayaguez and Isabela, Puerto Rico
Docket No. RCRA-02-2008-7505**

CERTIFICATE OF SERVICE

I certify that the foregoing Status Report was sent this day in the following manner to the addressees listed below:

Original and Copy by Hand:

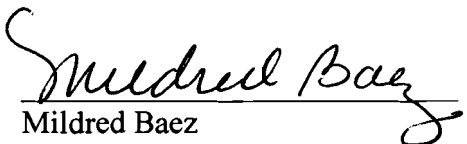
Office of the Regional Hearing Clerk
U.S. Environmental Protection Agency, Region 2
290 Broadway, 16th floor
New York, NY 10007-1866

Copy by Fax and Pouch Mail:

Honorable William Moran
Administrative Law Judge
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Mail Code 1900L
Washington, D.C. 20460-2001

Copy by Fax and
First Class Mail

Kirk Minckler.
Office of General Counsel
U.S. Department of Agriculture
Mountain Region
740 Simms Street, Room 309
Golden, CO 80401-4720


Mildred Baez

Dated: MAY 13 2009
New York, New York