

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 2

IN THE MATTER OF:

**Dana Transport**

**RESPONDENT**

Proceeding under Section 3008 of the  
Solid Waste Disposal Act, as amended,  
42 U.S.C. § 6928

**Motion**

Docket No. RCRA-02-2010-7112

U.S. ENVIRONMENTAL  
PROTECTION AGENCY-REGION 2  
2011 MAY 11 A 7:31  
REGIONAL HEARING  
CLERK

**Informative Motion Regarding Progress Made in Filing an Executed  
Consent Agreement and Final Order and  
Second Request for Extension of Time to File**

COMES NOW Complainant, the U.S. Environmental Protection Agency ("EPA" or "Complainant") through the undersigned attorney, and respectfully alleges, prays and requests as follows:

Pursuant to the March 10, 2011 Order issued by the Honorable Susan L. Biro, Chief Administrative Law Judge, Complainant and Dana Transport (Respondent) (together the "Parties") have until May 9, 2011, to file the fully executed Consent Agreement and Final Order (CA/FO). The Parties have reached an agreement as to the language and terms of the CA/FO and have set the document into concurrence for approval and signature.

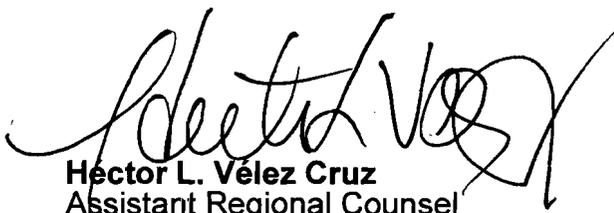
As informed previously, the CA/FO's concurrence process involves the approval of several EPA officers in Region 2's San Juan and New York offices for their review, concurrence and signatures. Respondent has concurred and signed the CA/FO (see *Attachment 1*- EPA received the document signed by Respondent today). Once the concurrence process has finalized in Region 2's San Juan office the CA/FO will be delivered to our New York offices for their review and concurrence. Also, in order to file a duly executed CA/FO, the signature of the Regional Judicial Officer is required. Once this process concludes, the fully executed CA/FO will immediately be filed.

This Motion has been filed today in order to have the Chief Administrative Law Judge, Honorable Susan L. Biro, take notice of the progress made in the approval process to file a fully executed CA/FO.

In light of the above, Complainant requests the Honorable Chief Administrative Law Judge to grant the Parties twenty (20) additional days from the May 9, 2011 deadline, until May 29, 2011, in order to file the duly executed CA/FO and notify its execution to the Presiding Officer.

This Motion was discussed today, May 6, 2011, with Mr. Dan Bonanni, Vice President of the Office of Risk Management for Dana Transport, who agreed to the filing of this motion.

Respectfully submitted, in San Juan, Puerto Rico, this 6<sup>th</sup> day of May,  
2011.



**Hector L. Vélez Cruz**  
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Office of Regional Counsel  
U.S. Environmental Protection Agency, Region II  
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1492 Ponce de León Ave.  
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RESPONDENT:  
DANA Transport

BY: 

NAME: BREWER B. BRYANT

TITLE: RESIDENT

DATE: 28 APR 2011

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION II

In the Matter of:

**DANA TRANSPORT**

**RESPONDENT**

**Motion**

Docket No. RCRA-02-2010-7112

CERTIFICATE OF SERVICE

I certify that I have this day caused to be sent the foregoing *Informative Motion Regarding Progress Made in Filing an Executed Consent Agreement and Final Order and Second Request for Extension of Time to File*, dated May 6, 2011, and bearing the above-referenced docket number, in the following manner to the respective addressees below:

Original and copy by facsimile, **Overnight Mail** to:

**Karen Maples**  
Regional Hearing Clerk  
Region II  
U.S. Environmental Protection Agency  
290 Broadway, 16<sup>th</sup> Floor  
New York, NY 10007-1866  
Fax (212) 637-3202.

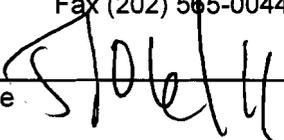
Copy by facsimile, **Overnight Mail** to:

Respondent:  
**Mr. Dan Bonanni**  
Dana Transport, Inc.  
Vice-President  
Office of Risk Management  
210 East Essex Avenue  
Avenel, NJ 07001  
O: 800-733-3262, Ext. 106  
F: 732-596-1452  
[dbonanni@danacompanies.com](mailto:dbonanni@danacompanies.com)

Copy by facsimile, **Overnight Mail** to:

Chief Administrative Law Judge  
**Honorable Susan L. Biro**  
Office of Administrative Law Judges  
U.S. Environmental Protection Agency  
1099 14<sup>th</sup> Street, N.W., Suite 350  
Washington, D.C. 20005  
Fax (202) 565-0044.

Date



Name

