

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Region 2

U.S. ENVIRONMENTAL PROTECTION AGENCY-REG.II  
2012 JUN -1 A 10 22  
REGIONAL HEARING CLERK

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In the Matter of :  
U.S. Department of Veterans Affairs, :  
 :  
Respondent. :  
 :  
Proceeding Under Section 9006 :  
of the Solid Waste Disposal Act, :  
as amended :  
 :  
-----X

Docket No. RCRA-02-2012-7502

JOINT MOTION TO HOLD THE CASE IN ADVANCE

The parties in this proceeding, through their attorneys, hereby request this Court to hold this case in advance since the parties believe that this case will settle within a relative short period of time without the need to follow the usual Court schedule.

Background

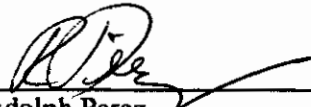
EPA, Region 2 (EPA) initiated this administrative proceeding under the authority of section 9006 of the Solid waste Disposal Act, as amended, 42 U.S.C. § 6901 et seq., seeking a civil penalty of \$66,513.00 against the Respondent. The complaint alleges seven violations of the underground storage tank regulations at three facilities owned and/or operated by Respondent.

The parties held a settlement meeting on May 2, 2012 and subsequently Respondent supplied to Complainant certain follow up documentation. Yesterday, counsels for the parties held a conference call where counsels agreed to recommend to their respective agencies a settlement for a sum certain. Counsels believe that this matter will settle in the near future without the need to follow the usual formal schedule that this Court establishes. Therefore, the

parties respectfully move this Court to hold this case in advance. If the Court agrees, Counsel for Complainant can provide a status report to this Court not later than June 21, 2012.

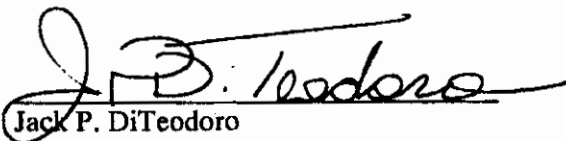
Dated: May 31, 2012  
New York, New York

Respectfully submitted,



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Rudolph Perez  
Office of Regional Counsel  
U.S. Environmental Protection Agency,  
Region 2  
Waste & Toxic Substances Branch  
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New York, N.Y. 10007-1866  
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(718) 630-2924 (telephone)  
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In the Matter of U.S. Department of Veterans Affairs  
Docket No. RCRA-02-2012-7502

To:

Honorable Susan L. Biro  
Chief Administrative Law Judge  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, N.W.  
Mail Code 1900L  
Washington, DC 20460

Office of Regional Hearing Clerk  
U.S. Environmental Protection Agency, region 2  
290 Broadway, 16<sup>th</sup> floor  
New York, NY 10007

Jack P. DiTeodoro  
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Department of Veterans Affairs  
Office of the Regional Counsel  
800 Poly Place, Building 14  
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In the Matter of U.S. Department of Veterans Affairs  
Docket No. RCRA-02-2012-7502

CERTIFICATE OF SERVICE

I certify that I have this day caused to be sent the foregoing "JOINT MOTION TO HOLD THE CASE IN ADVANCE," dated May 31, 2012, in the above-referenced proceeding in the following manner to the respective addresses listed below:

Original and One Copy  
By Inter Office Mail

Office of Regional Hearing Clerk  
U.S. Environmental Protection Agency, Region 2  
290 Broadway, 16<sup>th</sup> floor  
New York, NY 10007


Copy by fax Transmission  
202-565-0044 and Pouch Mail

Honorable Susan L. Biro  
Chief Administrative Law Judge  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, N.W.  
Mail Code 1900L  
Washington, DC 20460

Copy by Fax Transmission  
718-630-2917 and First Class Mail

Jack P. DiTeodoro  
General Attorney  
Department of Veterans Affairs  
Office of the Regional Counsel  
800 Poly Place, Building 14  
Brooklyn, NY 11209

Dated: 5/31/12  
New York, NY

  
Rudolph Perez