

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2

----- X
In the Matter of :
 :
Schmitt Sales, Inc. :
 :
 :
 Respondent. :
 :
 Proceeding under Section 9006 of :
 the Solid Waste Disposal Act, as amended. :
----- X

STATUS REPORT
MOTION FOR EXTENSION
Docket No.
RCRA-02-2011-7508

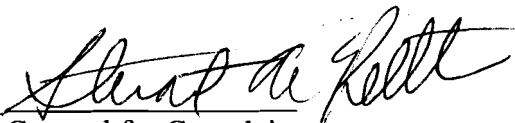
U.S. ENVIRONMENTAL
PROTECTION AGENCY-REG.11
2011 NOV 29 P 2:20
REGIONAL HEARING
CLERK

STATUS REPORT AND MOTION FOR EXTENSION OF TIME

The parties have agreed to settle this case rather than proceed to a hearing. Counsel for Complainant will shortly provide a proposed settlement agreement to Counsel for Respondent. Therefore, Counsel for Complainant seeks a 45 day extension from the December 6, 2011 due date for Complainant's Initial Prehearing Exchange (and a corresponding 45 day extension for Respondent's Prehearing Exchange) as set forth in the September 23, 2011 Prehearing Order, so that the parties can focus on finalizing the settlement document.

Counsel for Respondent agrees with this Motion.

Sincerely,


Counsel for Complainant

Date: Nov. 29, 2011

CERTIFICATE OF SERVICE

I certify that I have on this day caused to be sent the foregoing Status Report and Motion for Extension of Time, bearing the above-referenced docket number, in the following manner to the respective addressees below:

Original and one copy by hand to:

Office of the Regional Hearing Clerk.
U.S. EPA- Region II
290 Broadway, 16th floor
New York, New York 10007-1866

Copy by Pouch Mail:

The Honorable Barbara Gunning, Administrative Law Judge
EPA Office of Administrative Law Judges
1200 Pennsylvania Avenue, N.W.
Mail Code 1900L
Washington, DC 20460-2001

Copy by Certified Mail Return Receipt Requested:

Thomas J. Fucillo, Esq.
Menter, Rudin, & Trivelpiece, P.C.
308 Maltbie Street, Suite 200
Syracuse, NY 13204-1498

Dated: **NOV 29 2011**
New York, New York

