

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2

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)
IN THE MATTER OF: -----) Docket No. EPCRA-02-2009-4002
)
Eastern Alloys, Inc.)
7 Henry Henning Drive)
Maybrook, New York 12543)
)
Respondent.)
-----X

U.S. ENVIRONMENTAL
PROTECTION AGENCY-REG. II
2009 DEC -3 PM 1:06
REGIONAL HEARING
CLERK

STATUS REPORT

This report will advise that Complainant and Respondent have held settlement discussions and have reached a settlement in principle. Complainant has drafted the Consent Agreement/Final Order ("CA/FO") and is seeking internal approval of the CA/FO. A draft CA/FO has been provided to Respondent for review. Complainant expects to provide the CA/FO to Respondent for signature at the beginning of next week and is working to have a final settlement filed in this matter by December 11, 2009. However, extra time to file the CA/FO may be required, given the availability of reviewers. In that event, Complainant will file a motion seeking extra time at the beginning of next week.



Carol Y. Berns
Assistant Regional Counsel
U.S.E.P.A. Region 2
290 Broadway,
New York, NY 10007-1866
Attorney for Complainant

Dated: December 3, 2009

CERTIFICATION OF SERVICE

This is to certify that I have this day caused to be sent the foregoing Status Report, bearing Docket Number EPCRA-02-2009-4002, in the following manner to the respective addressees listed below:

Original by telefax and regular mail to:

The Honorable Susan L. Biro
Chief Administrative Law Judge
Office of the Administrative Law Judges
U.S. Environmental Protection Agency
Mail Code 1900L
1200 Pennsylvania Ave. N.W.
Washington, D.C. 20460

Copy by hand delivery to:

Karen Maples
Regional Hearing Clerk
U.S. Environmental Protection Agency, Region 2
290 Broadway, 16th floor
New York, New York 10007-1866

Copy by certified mail to:

Kevin Young, Esq.
Counsel for Respondent
Young/Sommer LLC
Executive Woods
Five Palisades Drive
Albany, NY 12205

Date:

December 3, 2009

Name:

Carol Y. Berns

Title:

Attorney for Complainant