

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY

-----X
IN THE MATTER OF:

RAIA & SIRIGNANO
DEVELOPMENT CORP.,

RESPONDENT
-----X

DOCKET No: TSCA-02-2010-9166

REGIONAL HEARING
CLERK

2010 DEC 22 P 1:31

U.S. ENVIRONMENTAL
PROTECTION AGENCY-REG.11

**JOINT MOTION TO REQUEST A 30-DAY EXTENSION OF TIME TO FILE
PREHEARING EXCHANGES AND STATUS REPORT**

MOTION

The parties, Complainant and Respondent, in the above captioned matter, do hereby submit this Joint Motion for an Extension of Time to File Prehearing Exchanges and Status Report to Judge Barbara A. Gunning in response to the Judge's Prehearing Order dated December 14, 2010.

By way of this motion, the parties request a 30-day extension of time to file Prehearing Exchanges from January 21, 2011 for Complainant's Prehearing Exchange to February 22, 2011, the date for filing Respondent's Prehearing Exchange.

The parties assert that good cause for this motion for extension exists and submit a Status Report as follows:

STATUS REPORT

First, the parties have reached a settlement in principle at the termination of the ADR period on November 18, 2010. Respondent agreed to conduct lead-free certification inspections at its properties that are the subject of this enforcement action. The results of said lead-free inspections revealed the properties are eligible to be certified as being lead-free. As a result, EPA is able to reduce the proposed penalty by 95% under the Dec. 2007 Lead-Based Paint Disclosure Enforcement Response Policy.

Second, the parties have agreed to enter into a Consent Agreement and Final Order (CA/FO) to settle this matter.

Third, Counsel for EPA has drafted the CA/FO and it is currently going through internal review before EPA transmits it to Counsel for Respondent for review and Respondent's signature.

Therefore, the parties respectfully request a 30-day extension of time to file Prehearing Exchanges until February 22, 2011, which would allow the parties time to submit a fully executed CA/FO to the Judge.

For the foregoing reasons, Counsel for EPA and Counsel for Respondent request that your Honor grant this joint motion for an extension, if it meets with your approval. Counsel for Respondent concurs on this Joint Motion for an Extension of Time to File Prehearing Exchanges and Status Report.


COUNSEL FOR COMPLAINANT

Dated: Dec. 21, 2010

Respectfully submitted

Melva J. Hayden, Esquire
U.S. Environmental Protection Agency
Region 2,
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New York, NY 10007-1866
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In the Matter of Raia & Sirignano Development Corp., Respondent
Docket No. TSCA-02-2010-9166

CERTIFICATE OF SERVICE

I certify that the foregoing Joint Motion to Request a 30-day Extension of Time to File Prehearing Exchanges and Status Report has been sent this day to the following addressees listed herein in the manner listed below:

Original and One Copy by Hand 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 Facsimile & Certified Mail/
Return Receipt Requested:

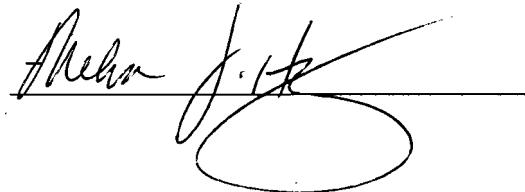
The Honorable Barbara A. Gunning
Administrative Law Judge
Office of Administrative Law Judges
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460

Copy by Facsimile & Certified Mail/
Return Receipt Requested:

Frank Covello, Esquire
Leanza & Agrapidis
777 Terrace Avenue – 5th Floor
Hasbrouck Heights, New Jersey 07604

Dated December 21, 2010

New York, NY

A handwritten signature in black ink, appearing to read "Frank Covello", is written over a horizontal line. The signature is stylized and includes a large, circular flourish at the bottom.