



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

**POUCH MAIL &
FACSIMILE TRANSMISSION**

October 17, 2011

The Honorable Spencer Nissen
Chief Administrative Law Judge
U.S. Environmental Protection Agency
Office of Administrative Law Judges
Mail Code 1900L
1200 Pennsylvania Ave., N.W.
Washington, DC 20460

Re: Status Report and Motion to Request an Extension of Time
In the Matter of the Estate of Roger G. Fussell
Docket No. : RCRA-03-2011-0197

Dear Judge Nissen:

Per your request, enclosed please find a true and correct copy of the original Status Report and Request for an Extension of Time concerning the above referenced matter.

Should you have any questions or require additional information, please contact me at (215) 814-2681.

Respectfully,


Louis B. Ramalho
Sr. Assistant Regional Counsel

cc: Regional Hearing Clerk
EPA, Region III

John J. Wallace, IV, Esquire
Counsel for Respondent

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EPA REGION III PHILA. PA

**BEFORE THE UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION III**

In the Matter of: :

Andrea Simmons, Executrix :
The Estate of Roger G. Fussell :
272 SE Dustin Terrace :
Lake City, FL 32025 :

Respondent, :

U.S. EPA Docket Number
RCRA-03-2011-0197

The Bruce Store :
Route 219/250 South :
Beverly, West Virginia 26252 :
Facility Id. No. 4-208036 :

Facility. :

STATUS REPORT AND
MOTION FOR EXTENSION OF TIME

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Pursuant to your request, Complainant hereby reports on the status of this case.

The parties held a settlement conference on October 15, 2011 following the parties conference call with this tribunal. The parties have reached an agreement in principle. Complainant respectfully requests an extension of the Alternative Dispute Resolution procedures by thirty (30) days to prepare and file the Consent Agreement and Final Order in settlement of this matter by no later than November 16, 2011.

Respectfully submitted,

Louis F. Ramalho
Sr. Assistant Regional Counsel

Date

10/17/11


CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that on the date listed below, the original of the foregoing Status Report and Motion for Extension of Time was filed with the Regional Hearing Clerk, U.S. EPA - Region III, 1650 Arch Street, Philadelphia, Pennsylvania, 19103-2029, and that a true and correct copy was sent via first class mail to the following:

The Honorable Spencer Nissen (Facsimile Transmission & Pouch Mail)
Chief Administrative Law Judge
Office of Administrative Law Judges
U.S. Environmental Protection Agency
Mail Code 1900L
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460

John J. Wallace, IV, Esquire
Wallace Law Offices L.C., Inc.
14 South Randolph Avenue
Elkins, West Virginia 26241

10/17/11
Date



Louis F. Raphaelo
Sr. Assistant Regional Counsel
U.S. EPA - Region III
1650 Arch Street
Philadelphia, PA 19103-2029

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