

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION II

In the Matter of:

Proto Property Services, LLC,

Respondent.

Proceeding Under Section 16(a)
of the Toxic Substance Control Act,

STATUS REPORT
MOTION FOR EXTENSION

Docket No. TSCA-02-2010-9266

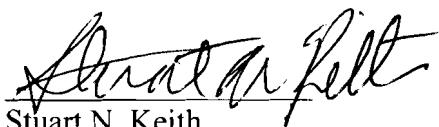
U.S. ENVIRONMENTAL
PROTECTION AGENCY
REGION II
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STATUS REPORT AND MOTION FOR EXTENSION

In accordance with the Prehearing Order issued by Administrative Law Judge Barbara A. Gunning, the presiding officer in this case, dated January 21, 2011, and subsequent oral Order issued April 12, 2011, counsel for Complainant was to submit Complainant's Initial Prehearing Exchange or a fully executed Consent Agreement by May 27th.

Based on evidence recently submitted by Respondent, it is the preliminary intention of counsel for Complainant to withdraw the Complaint. However, EPA needs the necessary approval by Complainant before a formal withdrawal is issued. Therefore, counsel for Complainant requests a 30 day extension of the May 27th deadline to submit a withdrawal document. Counsel for Complainant apologizes for the lateness of this report, but these developments only quite recently.

Sincerely,



Stuart N. Keith

Counsel for Complainant

Dated: 5/25/11

In the Matter of City of Proto Property Services LLC, Docket No. RCRA-02-2010-9266

CERTIFICATE OF SERVICE

I certify that I have on this day caused to be sent the foregoing STATUS REPORT 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 FAX and Pouch Mail :

Barbara A. Gunning
Administrative Law Judge
EPA Office of Administrative Law Judges
1200 Pennsylvania Ave, NW
Mail Code 1900L
Washington, DC 20460

Copy by Certified Mail Return Receipt Requested:

Robert F. Moraco, Esq.
Simon, Eisenberg & Baum LLP
24 Union Square East, 5th Floor
New York, NY 10003

Dated: **MAY 26 2011**
New York, New York

Smidred H. Bag