

COPY

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION II

In the Matter of:

City of Buffalo,

Respondent.

Proceeding Under Section 3008
of the Solid Waste Disposal Act,
as amended.

STATUS REPORT

Docket No. RCRA-02-2010-7503

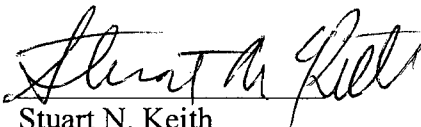
U.S. ENVIRONMENTAL
PROTECTION AGENCY-REG.II
2010 NOV 24 A 11:54
REGIONAL HEARING
CLERK

STATUS REPORT

In accordance with the Order Seeking Clarification and Directing Settlement Conference dated October 13, 2010 issued by Administrative Law Judge Barbara A. Gunning, the presiding officer in this case, counsel for Complainant submits the following status report.

The parties view this matter as settled. Respondent did not request a hearing in its Answer to the Complaint. Furthermore, as directed by the presiding officer in this case, Respondent has confirmed in its clarification statement dated November 18, 2010, that it does not seek a hearing in this case. Pursuant to Section 3008(b) of RCRA and the Consolidated Rules of Practice, 40 C.F.R. § 22.37, a compliance order that is contained in a Complaint issued under Section 3008 of RCRA becomes effective when there is no request for a hearing. The parties agree that this resolves the matter.

Sincerely,



Stuart N. Keith
Counsel for Complainant

Dated: 11/24/10

In the Matter of City of Buffalo, Docket No. RCRA-02-2010-7107

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 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:

Alan P. Gerstman, Esq.
Assistant Corporation Counsel
City of Buffalo Department of Law
New York, New York

