



**UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
BEFORE THE ADMINISTRATOR**

U.S. ENVIRONMENTAL
PROTECTION AGENCY-REG-1
2010 JUL 16 PM 2:05
REGIONAL HEARING
CLERK

IN THE MATTER OF)
)
UNITED STATES POSTAL SERVICE,) **DOCKET NO. RCRA-02-2010-7503**
)
RESPONDENT)

ORDER SCHEDULING STATUS REPORTS

As you previously have been notified, I have been designated by the July 6, 2010, Order of the Chief Administrative Law Judge to preside in the above captioned matter. This proceeding arises under the authority of Section 9006 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act ("RCRA") and the Hazardous and Solid Waste Amendments of 1984 ("HSWA"), 42 U.S.C. §§ 6901 *et seq.*, and is governed by the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits (the "Rules of Practice"), 40 C.F.R. §§ 22.1-32.

The Complaint in this matter was issued on April 7, 2010, and alleges 17 counts of violating regulations promulgated pursuant to the Underground Storage Tank provisions in RCRA. Following an extension of time granted by the Regional Judicial Officer, the Respondent filed an Answer on June 15, 2010. In the Answer, Respondent admits all material factual allegations and does not request a hearing in this matter. Answer at 1-11. However, the Respondent does deny that it should be subject to the proposed civil penalty. Answer at 11. Additionally, both parties have declined to participate in the voluntary Alternative Dispute Resolution Process offered by this office.

Both parties, in communication with the undersigned's staff attorney, have expressed a commitment to resolving this matter independently and to that end have already discussed certain Supplemental Environmental Projects (or "SEPs"). In support of the parties' efforts to reach an amicable resolution of this matter in a timely fashion, this Order establishes a schedule for periodic status reports and telephonic conferences. Should a Consent Agreement and Final Order be fully executed by both

parties, it should be submitted in advance of any date listed below and in lieu of the next required status report or conference call.

Therefore, it is **ORDERED** that Complainant submit a series of written Status Report describing the progress, if any, the parties have made in reaching settlement. Both parties are required to appear for periodic telephonic conference calls. Status Reports shall be due and conference calls shall occur according to the following schedule:

- First Status Report due July 30, 2010,
- Second Status Report due August 27, 2010,
- First Conference Call on Wednesday, September 22, 2010, at 2pm (Eastern Time),
- Third Status Report due October 29, 2010.

Should the parties desire a conference call outside the schedule established above, they should contact the undersigned's legal staff assistant, Mary Angeles at (202) 564-6281. The facsimile number is (202) 565-0044.

The Status Reports required by this Order, and any other written communication from the parties, shall be addressed in the following manner:

If filing by United State Postal Service (USPS):

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

If sending by non-USPS couriers:

EPA Office of Administrative Law Judges
1099 14th St. NW
Suite 350, Franklin Court
Washington, DC 20005

So Ordered.



Barbara A. Gunning
Administrative Law Judge

Dated: July 14, 2010
Washington, DC

**In the Matter of *United States Postal Service*, Respondent.
Docket No. RCRA-02-2010-7503**

CERTIFICATE OF SERVICE

I hereby certify that the foregoing **Order Scheduling Status Reports**, dated July 14, 2010, was sent this day in the following manner to the addressees listed below.



Mary Angeles
Legal Staff Assistant

Original and One Copy by Pouch Mail to:

Karen Maples
Regional Hearing Clerk
US EPA, Region II
290 Broadway, 16th Floor
New York, NY 10007-1866

Copy by Pouch Mail to:

Stuart N. Keith, Esq..
Office of Regional Counsel
U.S. EPA
290 Broadway, 16th Floor
New York, NY 10007-1866

Copy by Regular Mail to:

Gary W. Bigelow, Esq.
Sr. Litigation Counsel
United States Postal Service
4200 Wake Forest Road
Raleigh, NC 27668-1121

Barbara H. Cioffi, Esq.
USPS Law Department
P.O. Box 66640
St. Louis, MO 63141

Dated: July 15, 2010
Washington, DC