

RHC



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 2

290 BROADWAY

NEW YORK, NEW YORK 10007-1866

BY FACSIMILE AND POUCH MAIL

August 12, 2009

U.S. ENVIRONMENTAL
PROTECTION AGENCY-REG. II
2009 AUG 12 PM 1:58
REGIONAL HEARING
CLERK

Honorable Barbara A. Gunning
Administrative Law Judge
U. S. Environmental Protection Agency
Mail Code 1900
401 M. Street, SW
Washington, D.C., 20460

Re: U.S. Department of Veteran's Affairs,
Docket No. RCRA-02-2008-7507

Dear Judge Gunning:

As per your Honor's Prehearing Order dated June 18, 2009, I am writing to report on the status of the above-captioned matter. The above-noted Order directed that the parties hold a settlement conference on or before July 31, 2009. Please be advised that the parties held such a conference and made progress toward settlement. During this conference the parties discussed the possibility of including a Supplemental Environmental Project (SEP) as part of the settlement. Respondent has submitted a written proposal to Complainant detailing the SEP and proposing a budget for it. Complainant has reviewed Respondent's proposal and has given Respondent written comments on it. Yesterday, the parties discussed the SEP and made further progress toward settlement.

The parties are mindful of the prehearing exchange schedule established in your Honor's Order. As the parties expect to settle this matter without the added expense of engaging in unnecessary pre-litigation exercises, the parties will endeavor to move expeditiously toward settlement. As your Honor is aware, SEP projects in general, and certainly this proposed SEP, require time to fully develop, review and approve at the regional and headquarters levels. In addition, the current matter involves two federal agencies where the involvement of several layers of management review is likely. Still, the parties will try to move this matter along and Complainant will keep the Court apprised as to our progress.

Respectfully submitted,

Carl R. Howard
Assistant Regional Counsel

cc: Ms. Joy Vilardi Rizzuto, Esq., for Respondent

CERTIFICATE OF SERVICE

I certify that I have this day caused (or am causing) to be sent the foregoing status report to the following addressees listed herein in the manner listed below:

Copy by Facsimile
and Pouch Mail:

Honorable Barbara A. Gunning
Administrative Law Judge
U. S. Environmental Protection Agency
Mail Code 1900
401 M. Street, SW
Washington, D.C., 20460

Original and One Copy
Hand Delivered to:

Ms. Karen Maples
Regional Hearing Clerk
U.S. Environmental
Agency, Region II
290 Broadway
New York, NY 10007-1866

Copy by Regular Mail to
Attorney for Respondent:

Joy Vilardi Rizzuto
Senior Attorney
Dept of Veterans Affairs
Office of Regional Counsel
VA Caribbean Healthcare System
10 Casia Street
San Juan, PR 00921-3201

8-12-09

Date


