

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2

RECEIVED BY OALJ
2013 AUG -2 AM 11:33

In the Matter of

Amerimart Development Company,
Inc., Qual-Econ Lease Co., Inc., MJG
Enterprises, Inc., Commercial Realty
Fund II, and Clear Alternative of
Western, NY, Inc. (dba G & G
Petroleum)

Respondents
Proceeding Under Section 9006 of the
Solid Waste Disposal Act, as

STATUS REPORT

Docket No. RCRA-02-2012-7501

STATUS REPORT

This Status Report is filed pursuant to your Honor's Order of July 11, 2013 in the above-referenced matter. Subsequent to the issuance of your Honor's Order, the parties have reached agreement on the final language of the Consent Agreement and Final Order ("CA/FO"). The CAFO is presently being circulated for concurrences in EPA, Region 2. After the Complainant concurs (but not signs) the CA/FO, the document will be mailed to Respondent's counsel for execution by each of the Respondents. Also, a Motion to Amend the Complaint (to remove Respondent Commercial Realty Fund II) and an Amended Complaint are still undergoing concurrence in EPA, Region 2. After the Complainant concurs, Complainant's counsel will file the motion and Amended Complaint with this Court.

Dated: August 1, 2013
New York, New York

Respectfully submitted,



Bruce Aber
Counsel for Complainant

In the Matter of Amerimart Development Copr et al. , Docket No. RCRA-02-2012-7501

CERTIFICATE OF SERVICE

I certify that I have this day caused to be sent the foregoing Status Report, dated August 1, 2013, bearing the above-referenced docket number, in the following manner to the addressees listed below:

Copy by Overnight Mail

Honorable Susan L. Biro
Chief Administrative Law Judge
Office of Administrative Law Judges
Ronald Reagan Building, Rm M1200
1300 Pennsylvania Ave, NW
Washington, D.C. 20460

Copy by First Class Mail:

Craig Slater, Esq.
The Slater Law Firm
26 Mississippi Street, Suite 400
Buffalo, NY 14203

Original

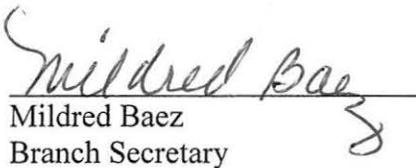
And one copy by First Class Mail:

Sybil Anderson
Headquarters Hearing Clerk
U.S. Environmental Protection Agency
Mail Code 1900 R
1200 Pennsylvania Avenue, NW
Washington, D.C. 20460

In addition, I certify that a PDF version of the foregoing Status Report was electronically sent to each of the following email addresses:

Anderson.sybil@epa.gov, oaljfiling@epa.gov, cslater@cslaterlaw.com

Dated: August 1, 2013
New York, New York


Mildred Baez
Branch Secretary