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**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5**

2011 MAY 31 PM 2:05

IN THE MATTER OF:)
)
Heritage-WTI, Inc.) **Docket No. CAA-05-2011-0012**
East Liverpool, Ohio,)
)
Respondent.)

Second Joint Motion to Extend Alternative Dispute Process

Complainant, the United States Environmental Protection Agency, Region 5, and Respondent, Heritage-WTI, Inc. (“WTI”) hereby move the Court for an extension for the Alternative Dispute Resolution Process (“ADR”) in the above-captioned case until June 30, 2011, and in support state as follows.

On February 10, 2010, Chief Judge Biro initiated the ADR process to facilitate the possible settlement of EPA’s allegations against WTI, with the Honorable Judge Nissen designated as neutral. The ADR process was automatically scheduled to terminate on April 11, 2011, but was extended to May 26, 2011.


The Parties held a settlement conference in Chicago on March 15, 2011, at which they reached an agreement under which WTI would pay a cash penalty and perform a Supplemental Environmental Project (“SEP”). WTI subsequently prepared and transmitted a SEP proposal to Region 5, which Region 5 has approved. Region 5 prepared and transmitted to WTI the Consent Agreement and Final Order (“CAFO”) establishing the terms of the Parties’ agreement, WTI responded with comments, which Region 5 has reviewed. WTI’s counsel has discussed with his client the value Region 5 is willing to assign to the SEP to mitigate the amount of cash penalty WTI must pay. Region 5 has incorporated WTI’s concerns into the CAFO and transmitted it to WTI’s counsel.

The Parties currently anticipate that no later than June 30, 2011, they will be able to successfully negotiate the terms of their settlement agreement and submit to the Court a CAFO setting forth the terms of the settlement. The Parties therefore move this Honorable Court for an Order extending the ADR Process until June 30, 2011.

Respectfully Submitted,

COUNSEL FOR COMPLAINANT:


May 31, 2011
Date



John C. Matson
Assistant Regional Counsel
U.S. Environmental Protection Agency
Region 5

COUNSEL FOR RESPONDENT:

May 31, 2011
Date



Michael Scanlon
Barnes & Thornburg LLP
Counsel for Heritage-WTI, Inc.

In the Matter of Heritage-WTI, Inc.
Docket No. CAA-05-2011-0012

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CERTIFICATE OF SERVICE

I certify that on May 31, 2011, I filed by hand delivery a copy of the Parties' Second Joint Motion to Extend Alternative Dispute Process to:

Regional Hearing Clerk
United States Environmental Protection Agency
Region 5
77 West Jackson Boulevard
Chicago, IL 60604-1098

I further certify that on this date I mailed a correct copy of the same by first-class, postage prepaid, certified mail, return receipt requested, to the Respondent, by placement of it in the custody of the United States Postal Service addressed as follows:

Michael Scanlon, Esq.
Barnes & Thornburg LLP
11 South Meridian Street
Indianapolis, Indiana 46204-3535

I further certify that on this date I arranged for a correct copy of the same via pouch delivery to:

Chief Administrative Judge Susan L. Biro
Office of Administrative Law Judges
U.S. Environmental Protection Agency
Mail Code 1900L
1200 Pennsylvania Ave., NW
Washington D.C. 20460-2001

on the 31st day of May 2010.



A handwritten signature in black ink, appearing to be 'M. Scanlon', is written over a horizontal line.

CERTIFIED MAIL RECEIPT NUMBER: 7001 0320 0006 1564 9877