

UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY  
REGION 8

2010 DEC 20 AM 8:33

Docket No. Docket No. CAA-08-2010-0017

FILED  
EPA REGION VIII  
HEARING CLERK

\_\_\_\_\_  
IN THE MATTER OF: )  
)  
METAL MANAGEMENT WEST, INC.)  
3260 WEST 500 SOUTH )  
SALT LAKE CITY, UTAH 84104 )  
)  
Respondent. )  
\_\_\_\_\_

**Joint Motion for Extension of  
Alternative Dispute Resolution**

On October 18, 2010, Chief Administrative Law Judge Susan L. Biro issued an Order initiating Alternative Dispute Resolution (ADR) in the above referenced matter, assigning Administrative Law Judge Spencer T. Nissen to act as neutral. The Order provides that ADR automatically terminates on December 20, 2010, and that an extension of up to 60 days may be granted by ALJ Biro upon request of ALJ Nissen, the ADR neutral.

Complainant, United States Environmental Protection Agency, Region 8, and Respondent, Metal Management West, Inc., continue to engage productively and discuss potential settlement in the ADR process. This includes an exchange of several detailed ADR 'position' papers during the past week. The parties are encouraged by the results of ADR, which include an exchange of settlement offers, with the most recent one made by Respondent yesterday. The parties met today with ALJ Nissen to review efforts made to date. During today's call Complainant suggested that if Respondent is able to increase the payment amount in its settlement offer then, in Complainant's view, the parties will likely

be able to reach a complete resolution. Respondent is currently evaluating its position in this regard.

In light of the foregoing and with ALJ Nissen's preliminary indication that a 30-day extension will benefit this ADR process, the parties jointly move, pursuant to 40 C.F.R. § 22.18(d), for a 30-day extension of time in this ADR matter. Respondent agrees to the joint filing of this Motion.



Date: Dec. 17, 2010

By: \_\_\_\_\_

Dana J. Stotsky, Attorney for Complainant  
Legal Enforcement Program,  
Office of Enforcement, Compliance and  
Environmental Justice  
U.S. EPA Region 8  
1595 Wynkoop Street, Mail Code: 8ENF-L  
Denver, Colorado 80202-1146

CERTIFICATE OF SERVICE

I the undersigned certify that I hand-delivered the original and one copy of the attached Joint Motion for Extension of Alternative Dispute Resolution to the Region 8 Regional Hearing Clerk (Ms. Antonia Artemis) and that I sent this day a copy of the Joint Motion for Extension of Alternative Dispute Resolution in the following manner to the addressees listed below:

Copy by Pouch Mail to:

Honorable Susan L. Biro  
Chief Administrative Law Judge  
Office of Administrative Law Judges (1900L)  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, N.W.  
Washington, D.C. 20460

and

Honorable Spencer T. Nissen  
Administrative Law Judge  
Office of Administrative Law Judges (1900L)  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, N.W.  
Washington, D.C. 20460

Copy by Regular Mail to:

Michael C. Ford, Esq.  
Attorney for Respondent  
Polsinelli Shughart  
One East Washington Street, Suite 1200  
Phoenix, AZ 85004

Date: 12/20/10

By: Judith McTernan  
Judith McTernan