

RHC-207

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2

-----X
In the Matter of :
Tonawanda Coke Corp., :
Respondent. :
Proceeding Under Section 9006 :
of the Solid Waste Disposal Act, :
as amended :
-----X

MOTION FOR EXTENSION OF TIME TO
FILE PREHEARING EXCHANGE

Docket No. RCRA-02-2010-7104

U.S. ENVIRONMENTAL
PROTECTION AGENCY-REG-02
2010 JUL 15 PM 4: 11
REGIONAL HEARING
CLERK

MOTION FOR EXTENSION OF TIME TO FILE PREHEARING EXCHANGE

Counsel for Complainant and counsel for Respondent have conferred on this Motion and counsel for Respondent has authorized the under-signed to submit this Motion for Extension of Time to File Prehearing Exchange.

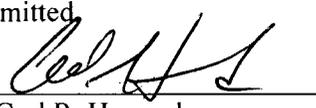
As reported to your Honor on July 8, 2010, in an informal status report sent via email through Lisa Knight, the parties are continuing to make progress toward settlement. The parties can see no reason why settlement of this matter will not be finalized shortly. EPA's senior management had a few comments on the Consent Agreement and Final Order and before EPA sends Respondent the revised CAFO, counsel have agreed to discuss the changes. This discussion is expected to occur tomorrow, July 15, 2010. And, as reported on July 8, EPA still expects to forward to Respondent a CAFO for signature by the end of this week.

Part of the delay of late has been the absence of certain reviewing officials around the July 4th holidays. EPA expects the internal concurrence process to conclude by the end of this week and Respondent's counsel reports that the signing official for Respondent has been contacted and is willing to promptly execute the agreement upon receipt.

In Complainant's prior request for additional time Complainant requested until July 30, 2010 to file the executed settlement. In granting Complainant's Motion, your Honor set an earlier deadline of July 16. While it is possible that Complainant will be able to file a fully executed agreement by July 30, Complaint respectfully requests until August 6, 2010, so that the parties will not have to request any more time to resolve this matter.

Respectfully submitted,

7-17-10



Dated Carl R. Howard
Assistant Regional Counsel
Environmental Protection Agency - Region 2
290 Broadway
New York, New York 10007-1866
(212) 637-3216

**In the Matter of Tonawanda Coke Corp.,
Docket No. RCRA-02-2010-7104**

CERTIFICATE OF SERVICE

I certify that I have this day caused (or am causing) to be sent the foregoing Motion For Extension of Time to File Prehearing Exchange to the following addressees listed herein in the manner listed below:

Copy by facsimile and
Pouch Mail:

The Honorable Susan L. Biro
Chief Administrative Law Judge
Office of Administrative Law Judges
U.S. Environmental Protection Agency
Mail Code 1900L
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

Original and One Copy
Hand Delivered to:

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

Copy by Regular Mail to
Attorney for Respondent:

Rick W. Kennedy, Esq.
Hodgson Russ LLP
The Guaranty Building
140 Pearl Street, Suite 100
Buffalo, NY 15202-4040

7-17-10

Date