

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 7

901 NORTH FIFTH STREET  
KANSAS CITY, KANSAS 66101

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ENVIRONMENTAL PROTECTION  
AGENCY REGION VII  
REGIONAL HEARING CLERK

BEFORE THE ADMINISTRATOR

IN THE MATTER OF ) Docket No. CAA 07-2011-0013  
)  
DAVIS PAINT COMPANY )  
)  
NORTH KANSAS CITY, MISSOURI ) JOINT MOTION FOR EXTENSION  
) OF TIME FOR ALTERNATIVE  
) DISPUTE RESOLUTION PROCESS  
)  
)  
Respondent, )  
)  
Proceedings under Section 113(d) of the )  
Clean Air Act, 42 U.S.C. § 7413(d) )

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**JOINT MOTION FOR EXTENSION OF TIME FOR ALTERNATIVE DISPUTE  
RESOLUTION PROCESS**

Complainant, the United States Environmental Protection Agency (“EPA”), and Respondent Davis Paint Company (hereinafter the “Parties”), jointly move, pursuant to 40 C.F.R. § 22.7(b), for an extension of time, to and including December 2, 2011, to complete the alternative dispute resolution process, provided to the parties under 40 C.F.R. § 22.18(d), for the following reasons:

1. The Parties entered into the alternative dispute resolution (ADR) process on August 8, 2011. The Parties’ first call with the Administrative Law Judge occurred on September 9, 2011.

2. At the call, the Parties agreed to use the Neutral Evaluation process outlined in Chief Judge Susan Biro’s July 26, 2011, letter to the Parties. The Parties agreed to a schedule to complete the Neutral Evaluation process. The schedule requires

the EPA to submit its statement to the Administrative Law Judge on October 3, 2011.

Davis Paint Company will submit its response on October 24, 2011.

3. The ADR period will expire on October 3, 2011.

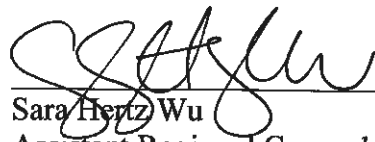
4. In order to accommodate the schedule agreed to by the Parties, an extension of the ADR period is required.

5. In accordance with the Order Initiating Alternative Dispute Resolution Process and Appointing Neutral, August 8, 2011, the Administrative Law Judge may grant an extension of the ADR process of up to 60 days.

6. The Parties agree that they will be able to complete the ADR process by December 2, 2011.

7. For these reasons, the Parties are seeking an extension of time of the ADR process pursuant to 40 C.F.R. § 22.7(b) to complete the ADR process.

WHEREFORE, the Parties jointly seek an extension of time, to and including December 2, 2011, to complete the alternative dispute resolution process.



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U.S. Environmental Protection Agency  
901 N. Fifth Street  
Kansas City, Kansas 66101

ATTORNEY FOR UNITED STATES  
ENVIRONMENTAL PROTECTION  
AGENCY

*Lindsay Wood* (by Sara Hertz W)

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ATTORNEY FOR DAVIS PAINT  
COMPANY

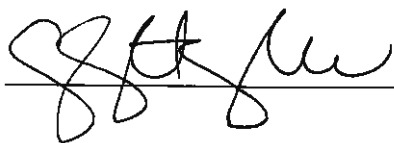
CERTIFICATE OF SERVICE

I certify that on the date noted below I hand delivered the original and one true copy of this Motion to the Regional Hearing Clerk, United States Environmental Protection Agency, 901 North Fifth Street, Kansas City, Kansas 66101.

I further certify that on the date noted below I sent a copy of the foregoing by first class certified mail, return receipt requested, to:

Mr. Lindsay Wood, Esq.  
P.O. Box 2515  
Lee's Summit, Missouri 64063

9/20/11  
Date \_\_\_\_\_

  
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