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UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY

BEFORE THE ADMINISTRATOR

IN THE MATTER OF:) DOCKET NO.: TSCA-05-2011-0012
KEITH MIRMAN,)
)
Respondent.)
)

**MOTION OF RESPONDENT FOR LEAVE TO FILE PREHEARING EXCHANGE OUT
OF TIME**

Respondent, Keith Mirman, pursuant to Section 22.16(a) of the Rules of Practice, 40 C.F.R. Section 22.16(a), respectfully requests that the Administrative Law Judge grant to Respondent leave to file Respondent's Prehearing Exchange, and as grounds therefor, states as follows:

1. The Claimant and Respondent have agreed in principle to the settlement of this matter.
2. Counsel for the Claimant does not oppose this extension, and believes that an extension would be in the best interest of both parties as it will allow the parties additional time to document the settlement.
3. Respondent seeks a short extension to avoid incurring further legal fees associated with the preparation of Respondent's Prehearing Exchange.
4. Because of the holidays, the parties believe that a thirty-five (35) day extension will be sufficient, and the Respondent will, if the matter does not resolve, file his Prehearing Exchange by January 4, 2012.

Respectfully submitted,



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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing has been served via facsimile and regular U.S. mail this 30th day of November, 2011, upon:

Steven P. Kaiser
Associate Regional Counsel
U.S. Environmental Protection Agency
77 West Jackson Boulevard
Chicago, IL 60604
Attorney for Environmental Protection Agency

The Honorable Barbara A. Gunning
U.S. Environmental Protection Agency
Office of Administrative Law Judges
1200 Pennsylvania Avenue NW
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Washington, DC 20460

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