

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5

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

Joint Motion to Extend Alternative Dispute Process for 45 Days

Complainant, the United States Environmental Protection Agency, Region 5, and Respondent, Heritage-WTI, Inc. (“WTI”) hereby move the Court for a 45 day extension for the Alternative Dispute Resolution Process (“ADR”) in the above-captioned case, 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.

The Parties held a settlement conference in Chicago on March 15, 2011, during which WTI made a settlement proposal to Region 5. The Parties eventually reached a settlement in principle under which WTI would pay a cash penalty and perform a Supplemental Environmental Project (“SEP”).


WTI is currently preparing a SEP proposal it will transmit to Region 5, which Region 5 will analyze and submit its comments to WTI on the SEP proposal. Should the Parties reach agreement on WTI’s proposed SEP, Region 5 will then submit for signoff in accordance with its procedures, the SEP proposal and a Consent Agreement and Final Order (“CAFO”) establishing the Parties’ agreement. During this time the Parties will work diligently to achieve these results.

The Parties currently anticipate that no later than May 26, 2011, they will be able to successfully negotiate the terms of their settlement agreement (including the terms of a mutually agreed upon SEP), 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 an additional 45 days until May 26, 2011.

Respectfully Submitted,

COUNSEL FOR COMPLAINANT:


April 4, 2011
Date



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

COUNSEL FOR RESPONDENT:

April 4, 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 April 4, 2011, I filed by hand delivery a copy of the Parties' Joint Motion to Extend Alternative Dispute Process for 45 Days to:

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

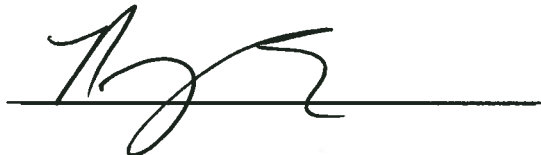
I further certify that on this date I mailed a correct copy of the same by first-class, postage prepaid, certified mail, return receipt requested, to the Respondent, by placement of it in the custody of the United States Postal Service addressed as follows:

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 4th day of April 2010.



CERTIFIED MAIL RECEIPT NUMBER: 7001 0320 0006 1564 9693