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U.S. ENVIRONMENTAL
PROTECTION AGENCY

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. The proposed Consent Agreement and Final Order ("CAFO") contains the first "Renovation" Supplemental Environmental Project ("SEP") negotiated by Region 5, and because of the unique aspect of this SEP, it has taken additional time to develop the appropriate terms of the SEP and obtain the required approvals within Region 5.
3. Counsel for the Claimant supports 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.
4. Respondent seeks a fourth extension to avoid incurring further legal fees associated with the preparation of Respondent's Prehearing Exchange that may never need to be filed.

5. The parties believe that a twenty-one (21) day time extension from January 21, 2012 until February 10, 2012, will facilitate the settlement process; Respondent will, if the matter does not resolve, file his Prehearing Exchange by February 10, 2012.

Respectfully submitted,



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CERTIFICATE OF SERVICE

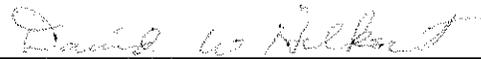
I hereby certify that a copy of the foregoing has been served via facsimile and regular U.S. mail this 19th day of January, 2012, upon:

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
Mail Code 1900L
Washington, DC 20460

Original via Overnight Delivery to:

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