

In the Matter of:

Johnson Matthey, Inc.

Respondent

In a proceeding under the Clean Air Act,
42 U.S.C. § 7401, et seq., 42 U.S.C.
§ 7413(d), Section 113(d)

CAA-02-2012-1222

Hon. M. Lisa Buschmann,
Administrative Law Judge

STATUS REPORT

In accordance with the Prehearing Order (Order), dated November 30, 2012, the Complainant in this proceeding, the Director of the Division of Enforcement and Compliance Assistance, EPA, Region 2 (EPA), through her attorney, provides the Court with this status report regarding settlement. Given the current holiday season and anticipated vacation schedules, this status report is also forward looking. Counsel for Respondent has read this report and agrees that it accurately documents discussions between the parties.

By Prehearing Order (Order) dated November 30, 2012, the Court directed the parties to engage in a settlement conference and to file a status report on or before December 28, 2012. The Court also directed that if a Consent Agreement and Final Order is not finalized on or before January 11, 2013, the parties shall submit their prehearing exchanges as per the following schedule:

- January 11, 2013 - Complainant's initial prehearing exchange;
- February 8, 2013 - Respondent's prehearing exchange, including any direct and/or rebuttal evidence; and

- February 22, 2013 - Complainant's rebuttal prehearing exchange.

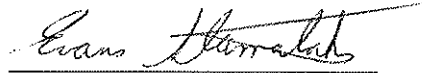
On December 12, 2012, the Complainant filed a motion seeking a 60 day extension to file prehearing exchanges. In the motion, Complainant informed the Court that in order to resolve factual disputes, Respondent will provide EPA with information regarding more than 150 pumps, including the manufacturer, model number and identification number. Counsel for Respondent also informed EPA that his client expected to provide this information to EPA during the week of December 17, 2012. The Respondent concurred on the request. On December 17, 2012, the Court ordered an extension of time of 30 days to file prehearing exchanges.

On December 18, 2012, Counsel for the parties discussed logistics for settlement negotiations including time frames for the submission and review of the information Respondent plans on submitting. Counsel also discussed the allegations and ways in which Respondent's submission can be presented to help Complainant relate the information to the allegations.

On December 20, 2013, Respondent provided EPA with information regarding the pumps. Given the nature and volume of material provided, time needed for review, and the possibility that EPA would have some questions on the material, the parties decided to schedule formal discussions regarding technical matters only after EPA had an opportunity to thoroughly review the material and after Respondent responded to any EPA request for more information or clarification. Given the above and the holiday season, Counsel are hopeful that these discussions will occur during the week of January 6th but not later than the week of January 13, 2013. In the meantime, Counsel agreed to have discussions during the week of December 23, and prior to a meeting should EPA have questions regarding information submitted by Respondent.

Dated: December 20, 2012
New York, New York

Respectfully submitted,



Evans Stamatakis
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VIA FAX: (202) 565-0044

VIA OVERNIGHT MAIL

To: Honorable M. Lisa Buschmann
Administrative Law Judge
U.S. EPA Office of Administrative Law Judges
1099 14th Street, N.W.
Suite 350W, Franklin Court
Washington, D.C. 20005

VIA OVERNIGHT MAIL

To: ✓ Sybil Anderson
Headquarters Hearing Clerk
U.S. EPA Office of Administrative Law Judges
1099 14th Street, N.W.
Suite 350W, Franklin Court
Washington, D.C. 20005

VIA OVERNIGHT MAIL

To: James Stewart, Esq.
Lowenstein Sandler
65 Livingston Avenue
Roseland, New Jersey 07068

In the Matter of Johnson Matthey, Inc., Docket No. CAA-02-2012-1222

CERTIFICATE OF SERVICE

I, Katherine Zuckerman, certify that the foregoing Status Report, dated December 20, 2013, was sent this day in the following manner to the addressees listed below:

Original and One Copy
Via Overnight Mail

To: ✓ Sybil Anderson
Headquarters Hearing Clerk
U.S. EPA Office of Administrative Law Judges
1099 14th Street, N.W.
Suite 350W, Franklin Court
Washington, D.C. 20005

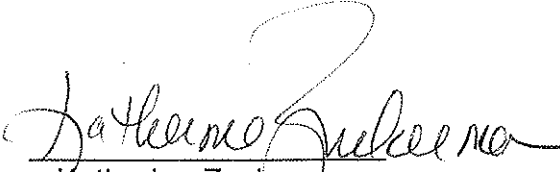
One Copy
Via FAX: (202) 565-0044 and Overnight Mail

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Administrative Law Judge
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Suite 350W, Franklin Court
Washington, D.C. 20005

One Copy
Via Overnight Mail

To: James Stewart, Esq.
Lowenstein Sandler
65 Livingston Avenue
Roseland, New Jersey 07068

Dated: 12/21/12
New York, New York


Katherine Zuckerman