

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 4

IN THE MATTER OF:

Bluestone Coke, LLC  
3500 35th Avenue North  
Birmingham, Alabama 35207

Respondent.

Proceeding under Section 3008(a) and (h) of the Solid  
Waste Disposal Act, as amended by, inter alia, the  
Resource Conservation and Recovery Act, 42 U.S.C. §  
6928(a) and (h)

Docket No. RCRA-04-2023-2106

**JOINT MOTION FOR EXTENSION  
OF TIME**

Pursuant to 40 C.F.R. § 22.7(b), Complainant, the Director of the Enforcement and Compliance Assurance Division of Region 4 of the United States Environmental Protection Agency (EPA), and Respondent, Bluestone Coke, LLC (collectively the Parties), by and through the undersigned, hereby jointly submit this Motion for Extension of Time and respectfully request that this Tribunal extend the deadline for dispositive motions that was set by its October 24, 2024 Order Imposing Sanctions & Scheduling Order (the Order) by an additional ninety (90) days.

40 C.F.R. Part 22 allows this Tribunal to “grant an extension of time for filing any document: upon timely motion of a party to the proceeding, for good cause shown, and after consideration of prejudice to other parties.” 40 C.F.R. § 22.7(b).

For the past month, the Parties have been engaged in substantive settlement negotiations, and they remain hopeful that those negotiations will result in the settlement of this matter. An extension of time will allow the Parties to fully engage in this process and potentially save both the Parties and this Tribunal valuable time and resources.

Therefore, the Parties believe that a 90-day extension to the deadline for dispositive motions that was set forth in the Order is warranted and serves the interests of all parties. See e.g., *Clean Air Environmental Services, Inc.*, EPA Docket No. TSCA-02-2024-9276 (ALJ, Aug. 20, 2024) (Order on Motion for Extension of Time); *R.H. Capital-Beets, LLC*, EPA Docket No. CWA-07-2023-0067 (ALJ, April 10, 2024) (Order on Complainant's Motion for Extension of Time).

Pursuant to the Order, dispositive motions must currently be filed "within 28 days after the deadline for Complainant's Revised Rebuttal Prehearing Exchange." The rebuttal deadline is specified in the Order as December 8, 2024; however, as that date is a Sunday, pursuant to 40 C.F.R. § 22.7(a), the filing deadline is December 9, 2024. The deadline for dispositive motions is therefore currently January 6, 2025. The Parties request that this latter deadline be extended until April 7, 2025.

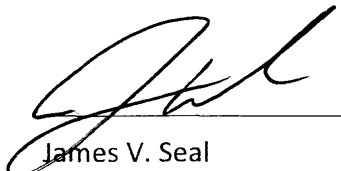
Dated: December 5, 2024

Respectfully Submitted,

---

Joan Redleaf Durbin  
Senior Attorney  
RCRA/FIFRA/TSCA Law Office  
U.S. Environmental Protection Agency, Region 4

and



---

James V. Seal  
Counsel for Bluestone Coke, LLC

**CERTIFICATE OF SERVICE**

The undersigned certifies that on December 5, 2024, I electronically filed the foregoing **JOINT MOTION FOR EXTENSION OF TIME** with the Clerk of the Office of Administrative Law Judges using the OALJ E-Filing System and sent it by electronic mail to James V. Seal and Ron Hatfield, attorneys for Respondent, at James.Seal@bluestone-coal.com and Ron.Hatfield@bluestone-coal.com; and to Joan Redleaf Durbin and Kate Forrest, attorneys for Complainant, at Redleaf-Durbin.Joan@epa.gov; and Forrest.Kate@epa.gov.

Date: December 5, 2024

---

Joan Redleaf Durbin  
Senior Attorney  
RCRA/FIFRA/TSCA Law Office  
U.S. Environmental Protection Agency, Region 4