PORTER WRIGHT MORRIS & ARTHUR

Attorneys & Counselors at Law

Robert J. Schmidt, Jr. (614) 227-2028 rschmidt@porterwright.com 2019 JAN 22 AN 9: 54 41 South High Street ENVIR. APPEALS COAND 43215-6194

> Facsimile: 614-227-2100 Toll Free: 800-533-2794

> > WIR. APPEALS BOARD

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January 31, 2008

VIA UPS NEXT DAY AIR

U.S. Environmental Protection Agency
Clerk of the Board, Environmental Appeals
Board
Colorado Building
1341 G Street, N.W., Suite 600
Washington, D.C. 20005

Re: PPG Industries Ohio, Inc./PPG Industries, Inc. Permit No. RCRA OHD 004 304 689 Environmental Appeals Board, U.S. EPA, Washington, D.C.

To the Clerk:

Enclosed for filing, please find the original and 5 copies of a *Joint Request For Extension* of Stay in the above-referenced matter. Please time-stamp and return the additional copy in the enclosed postage paid envelope.

Please do not hesitate to contact me if you have any questions.

Very truly yours,

Robert D. Schmidt, Jr. lek.

Robert J. Schmidt, Jr.

RJS:clk Enclosures

cc: Joe Karas (via e-mail) Thomas J. Krueger (via e-mail)

U.S. E.P.A. BEFORE THE ENVIRONMENTAL APPEALS BOARD UNITED STATES ENVIRONMENTAL PROTECTION AGENCY WASHINGTON, D.C.

WIR. APPEALS BOARD

In re: PPG Industries Ohio, Inc. PPG Industries, Inc.

Permit No. RCRA OHD 004 304 689)

JOINT REQUEST FOR EXTENSION OF STAY

Now comes PPG Industries Ohio, Inc. and The United States Environmental Protection Agency, Region 5 to jointly request that the Board issue an Order continuing the stay of these proceedings to allow the parties to continue their settlement discussions. Following PPG's November 29, 2007 comprehensive settlement proposal to USEPA Region 5, the Region and PPG have continued settlement discussions. These discussion have resulted in the parties reaching preliminary agreement on all but two of the issues raised in the Petition for Review. On January 24, 2008, the Region forwarded a proposal to resolve one of the remaining outstanding issues. On January 30, 2008, PPG provided a response to the Region on that issue and offered a proposal on the other remaining outstanding issue. The Region is now considering both. Since productive settlement discussions are continuing, the parties believe that continuing the stay of these proceedings is warranted.

The parties have also initiated preliminary discussions on the procedural steps that will be required to modify the permit underlying this appeal to reflect any pending settlement. The parties will need additional time to consider the appropriate approach. The parties therefore request that the Board issue an Order continuing the stay in these proceedings until Friday, April 4, 2008, at which time the parties will provide the Board with an update on the status of their negotiations with indication as to whether or not future proceedings are needed.

Respectfully submitted,

, A.

Robert J. Schmidt (0062261) Porter Wright Morris & Arthur LLP 41 South High Street Columbus, Ohio 43215 Telephone: (614) 227-2028 Facsimile: (614) 227-2100

Joseph M. Karas Assistant Counsel PPG Industries, Inc. 39 South, One PPG Place Pittsburgh, PA 15272 412-434-2415; fax 412-434-4292

Counsel for PPG Industries Ohio, Inc. and PPG Industries, Inc.

<u>/s Thomas J. Krueger*</u> Thomas J. Krueger Associate Regional Counsel US EPA, Region 5 77 W. Jackson Blvd. Chicago, IL 60604

*pursuant to email authorization 1/31/2008