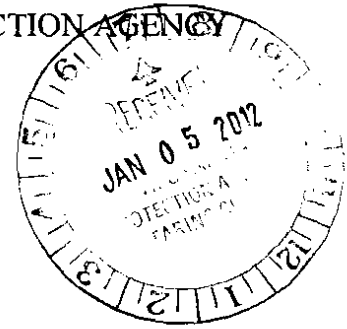


BEFORE THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029



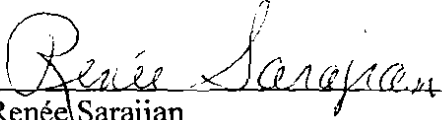
IN RE:)
) Docket No. CAA-03-2011-0313
)
Koppers Incorporated)
100 Koppers Road)
Follansbee, WV)
)
Respondent.) ORDER ON UNOPPOSED MOTION
) FOR EXTENSION OF TIME
) TO ANSWER
)

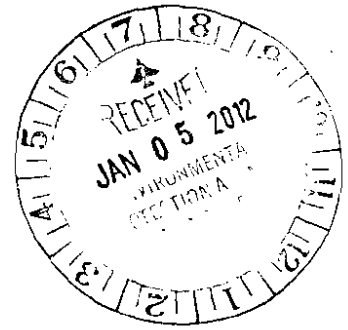
ORDER

Upon consideration of the **Unopposed Motion for Extension of Time to Answer** of Respondent, Koppers Incorporated, by Kenneth S. Komoroski, Janet McQuaid, and Megan E. Smith Miller, counsel for Respondent, and pursuant to §22.7(b) of the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits (40 CFR Part 22), for good cause shown, and there being no objection by counsel for Complainant, it is hereby

ORDERED that the Motion is **GRANTED** and the Respondent, Koppers Incorporated, shall file an Answer to the Administrative Complaint and Request for a Hearing on or before February 8, 2012.

ENTERED this 4th day of January, 2012.


Renée Sarajian
Regional Judicial Officer/Presiding Officer



CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that on this date I served a true and correct copy of the Order on Unopposed Motion for Extension of Time to Answer, in U.S. EPA Docket No. CAA-03-2011-0313, to the following:

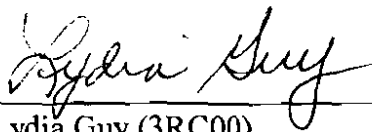
Via Hand Delivery:

Doug Snyder (3RC10)
Senior Assistant Regional Counsel
U.S. EPA, Region III
1650 Arch Street
Philadelphia, PA 19103

Via U.S. Certified Mail
Return Receipt Requested:

Megan E. Smith Miller, Esq.
Fulbright & Jaworski L.L.P.
Southpointe Energy Complex
370 Southpointe Boulevard, Suite 100
Canonsburg, PA 15317

Dated: JAN 05 2012


Lydia Guy (3RC00)
Regional Hearing Clerk
U.S. EPA, Region III

FULBRIGHT
Juworski LLP



Southpointe Energy Complex • 370 Southpointe Boulevard, Suite 100 • ~~Canonsburg~~, Pennsylvania 15317
msmithmiller@fulbright.com • Direct: 724 416 0434 • Main: 724 416 0400 • Facsimile: 724 416 0404

December 23, 2011

VIA FEDERAL EXPRESS

Regional Hearing Clerk
United States Environmental Protection Agency
Region III
1650 Arch Street
Philadelphia, PA 19103-2029

RECEIVED
U.S. E.P.A.
2011 DEC 29 AM 10:23
ENVR. APPEALS BOARD

Re: In Re: Koppers Incorporated
Docket No. CAA-03-2011-0313

Dear Sir or Madam:

Enclosed please find an Unopposed Motion for Extension of Time to Answer for filing in connection with the above-referenced matter. Also enclosed is an extra copy to be time-stamped and returned to me in the self-addressed, stamped envelope provided.

If you have any questions or require anything further, please do not hesitate to contact me.

Very truly yours,

Megan E. Smith Miller

MES/tal
Enclosures

cc: Doug Snyder
Ken Komorosk
Janet McQuaid
(above w/ enc.)

**BEFORE THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Region III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029**

2011 DEC 29 AM 10:23

RECEIVED
U.S. E.P.A.

ENVIR. APPEALS BOARD

IN RE:

Koppers Incorporated
100 Koppers Road, Follansbee, WV

Respondent.

)
) DOCKET NO. CAA-03-2011-031
)
)

PROCEEDING UNDER:

)
) Section 113(d) of the Clean Air Act,
) 42 U.S.C. § 7413(d).
)
)
)

UNOPPOSED MOTION FOR EXTENSION OF TIME TO ANSWER

1. Pursuant to 40 C.F.R. § 22.7(b) and the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties, Defendant Koppers Inc. (“Koppers”) hereby requests an Order extending the time to plead responsively by 30 days to February 8, 2012 to allow for adequate time for settlement negotiations to continue.
2. Koppers was served with the Complaint and Notice of Opportunity for Hearing (“Complaint”) on October 11, 2011. Pursuant to 40 C.F.R. § 22.15(a), Koppers’ responsive pleading was originally due on November 10, 2011.
3. On October 18, 2011, Koppers moved for a 60-day extension to the response period. Koppers’ motion was unopposed by the U.S. Environmental Protection Agency (“EPA”).
4. On October 24, 2011, Koppers’ motion was granted by the Regional Judicial Officer/Presiding Officer. As such, its responsive pleading is currently due on January 9, 2012.

5. Since Koppers' motion was granted, Koppers and EPA have engaged in extensive settlement discussions and have made considerable strides toward resolution of the issues presented by the Complaint.

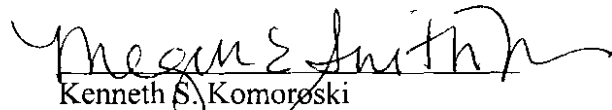
6. Koppers and EPA continue to be actively engaged in settlement discussions and are hopeful that continued negotiations will resolve this case.

7. Counsel for EPA has advised that EPA does not oppose this Motion for an extension of time to file an answer or otherwise responsively plead.

8. A proposed order granting the requested relief and setting the new responsive pleading deadline of February 8, 2012 is attached as hereto as Exhibit A.

FULBRIGHT & JAWORSKI L.L.P.

Dated: December 23, 2011



Kenneth S. Komoroski
Pennsylvania Bar No. 52708
Janet McQuaid
Pennsylvania Bar No. 310975
Megan E. Smith Miller
Pennsylvania Bar No. 203590
Southpointe Energy Complex
370 Southpointe Boulevard
Suite 100
Canonsburg, PA 15317
Telephone: (724) 416-0400
Facsimile: (724) 416-0404

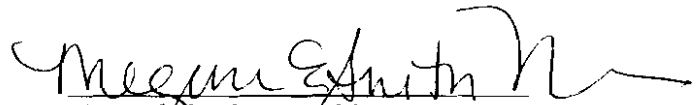
Counsel for Defendant Koppers Inc.

CERTIFICATE OF SERVICE

I hereby certify that, on December 23, 2011, the foregoing **UNOPPOSED MOTION FOR EXTENSION OF TIME TO ANSWER** was served via Federal Express:

Regional Hearing Clerk
United States Environmental Protection Agency, Region 3
1341 G. St. N.W.
Suite 600
Washington, D.C. 20005

Doug Snyder
United States Environmental Protection Agency
1650 Arch Street
Mail Code: 3RC10
Philadelphia, PA 19103-2029



Kenneth S. Komoroski
Pennsylvania Bar No. 52708
Janet McQuaid
Pennsylvania Bar No. 310975
Megan E. Smith Miller
Pennsylvania Bar No. 203590
Southpointe Energy Complex
370 Southpointe Boulevard
Suite 100
Canonsburg, PA 15317
Telephone: (724) 416-0400
Facsimile: (724) 416-0404

Counsel for Defendant Koppers Inc.

**BEFORE THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Region III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029**

IN RE:

Koppers Incorporated
100 Koppers Road, Follansbee, WV

Respondent.

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DOCKET NO. CAA-03-2011-0313

PROCEEDING UNDER:

Section 113(d) of the Clean Air Act,
42 U.S.C. § 7413(d).

[PROPOSED] ORDER

AND NOW THIS _____ day of December 2011, upon consideration of Defendant Koppers Inc. ("Koppers") Unopposed Motion for Extension of Time to Answer ("Motion"), the Motion is GRANTED. Defendant's responsive pleading is due February 8, 2012.

IT IS SO ORDERED.

BY THE REGIONAL HEARING OFFICER:
