

October 18, 2012

*Sent via telefax (212-637-3115) and Federal Express Overnight Mail*

Ms. Karen Maples  
Regional Hearing Clerk  
U.S. Environmental Protection Agency, Region 2  
290 Broadway, 17<sup>th</sup> Floor  
New York, New York 10007

U.S. ENVIRONMENTAL  
PROTECTION AGENCY-REG.11  
2012 OCT 19 A 10:52  
REGIONAL HEARING  
CLERK

Re: *In the Matter of Lawes Coal Company, Inc.*  
*Docket No. CWA 02-2009-3802*

Dear Ms. Maples:

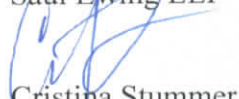
On behalf of Lawes Coal Company, Inc. ("Respondent"), I have enclosed herewith the following documents for filing in the above-referenced matter:

- (1) an original and one (1) copy of Respondent's Motion requesting an extension of time for Respondent to file an Answer to the USEPA's Complaint; and
- (2) a Certification of Service.

I have also enclosed an additional copy of this packet and ask that you please mark it "Received" and return it to me in the enclosed self-addressed reply envelope.

Thank you very much for your courtesies. If you have any questions, please do not hesitate to contact me.

Very truly yours,  
Saul Ewing LLP



Cristina Stummer  
Encls.

- c Lawes Coal Company, Inc. (via email)  
Timothy Murphy, Esq. (via Federal Express)

October 18, 2012

*Sent via Fax (212-637-3115) and Federal Express Overnight Mail*

The Honorable Helen Ferrara, RJO  
United States Environmental Protection Agency  
290 Broadway, 17th Floor  
New York, NY 10007-1866

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REGIONAL HEARING  
CLERK

Re: *In the Matter of Lawes Coal Company*  
*Docket No.: CWA-02-2009-3802*


Dear The Honorable Helen Ferrara, RJO:

On behalf of the Respondent Lawes Coal Company, Inc., kindly accept this letter as Respondent's motion to request an extension of time until February 18, 2013 for the Respondent to file its Answer to the Petitioner's Complaint in the above-referenced matter.

Without waiving any defenses and without admitting to any of Petitioner's allegations in its Complaint, Petitioner and Respondent are in the final stages of settlement negotiations. Specifically, the parties have agreed on a compliance schedule, and the on a monetary settlement amount. We are awaiting Petitioner's proposed Consent Decree, which should be forthcoming very soon. Counsel for the Petitioner and Respondent have been in frequent communication with each other regarding the progress.

Thank you very much for your prompt consideration of this matter.

Very truly yours,  
Saul Ewing LLP

  
Cristina Stummer

c Timothy Murphy, Esq. (via email and Federal Express Overnight Mail)  
Lawes Coal Company, Inc. (via U.S. Mail)



Cristina Stummer  
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Fax: (609) 452-6107  
cstummer@saul.com  
www.saul.com  
Our File: 356610.00004

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The Honorable Helen Ferrara, RJO  
United States Environmental Protection Agency  
290 Broadway, 17th Floor  
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Re: *In the Matter of Lawes Coal Company*  
*Docket No.: CWA-02-2009-3802*

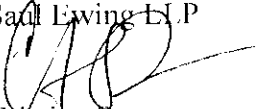
Dear The Honorable Helen Ferrara, RJO:

On behalf of the Respondent Lawes Coal Company, Inc., kindly accept this letter as Respondent's motion to request an extension of time until February 18, 2013 for the Respondent to file its Answer to the Petitioner's Complaint in the above-referenced matter.

Without waiving any defenses and without admitting to any of Petitioner's allegations in its Complaint, Petitioner and Respondent are in the final stages of settlement negotiations. Specifically, the parties have agreed on a compliance schedule, and the on a monetary settlement amount. We are awaiting Petitioner's proposed Consent Decree, which should be forthcoming very soon. Counsel for the Petitioner and Respondent have been in frequent communication with each other regarding the progress.

Thank you very much for your prompt consideration of this matter.

Very truly yours,  
Saul Ewing LLP



Cristina Stummer

c Timothy Murphy, Esq. (via email and Federal Express Overnight Mail)  
Lawes Coal Company, Inc. (via U.S. Mail)

**SAUL EWING LLP**  
A Delaware LLP  
750 College Road East, Suite 100  
Princeton, New Jersey 08540  
(609) 452-3100  
*Attorneys for Respondent Lawes Coal Company, Inc.*

U.S. ENVIRONMENTAL  
PROTECTION AGENCY-REG.11  
2012 OCT 19 A 10:53  
REGIONAL HEARING  
CLERK

IN THE MATTER OF:

UNITED STATES ENVIRONMENTAL  
PROTECTION AGENCY, REGION 2,

Petitioner,

v.

LAWES COAL CO. INC.,

Respondent.

Proceeding to Assess Class I Civil Penalty  
Under Section 311(b)(6) of the Clean Water  
Act.

Docket No.: CWA-02-2009-3802

**CERTIFICATION OF SERVICE**

I, Cristina Stummer, being of full age, hereby certify:

1. I am an attorney with the law firm of Saul Ewing LLP, a Delaware LLP, attorneys for Respondent Lawes Coal Company, Inc.

2. On October 18, 2012, I caused to be served via Federal Express Overnight Mail one (1) original and one (1) copy of Respondent's Motion for an Extension of Time to File an Answer to Petitioner's Complaint, pursuant to 40 C.F.R. 22.5 on:

Ms. Karen Maples  
Regional Hearing Clerk  
U.S. Environmental Protection Agency, Region 2  
290 Broadway, 17<sup>th</sup> Floor  
New York, New York 10007

3. On October 18, 2012, I caused to be served via Federal Express Overnight Mail one (1) copy of Respondent's Motion for an Extension of Time to File an Answer to Petitioner's Complaint, pursuant to 40 C.F.R. 22.5 on:

The Honorable Helen Ferrara, RJO  
United States Environmental Protection Agency  
290 Broadway, 17th Floor  
New York, NY 10007-1866

Timothy Murphy, Esq.  
Assistant Regional Counsel  
United States Environmental Protection Agency  
290 Broadway, 16<sup>th</sup> Floor  
New York, New York 10007-1866

I hereby certify that the foregoing statements made by me are true. I am aware that if any of the statements made by me are willfully false, I am subject to punishment.

  
Cristina Stummer

Dated: October 18, 2012