

Cristina Stummer
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 Our File: 356610.00004

September 4, 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, 17th Floor
 New York, New York 10007

U.S. ENVIRONMENTAL
 PROTECTION AGENCY-REG. II
 2012 SEP -5 A 11:00
 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)



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estummer@saule.com
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September 4, 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

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

Dear The Honorable Helen Ferrara, RJO:

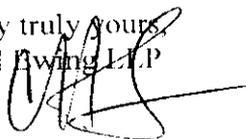
On behalf of the Respondent Lawes Coal Company, Inc., kindly accept this letter in support of Respondent's motion for an extension of time until November 20, 2012, to file its Answer to the Petitioner's Complaint, in the above-referenced matter. Please note that Respondent filed a motion for an extension of time under letter dated February 3, 2012, which requested an extension to file an Answer until June 5, 2012. However, the Order granting the extension was not issued until August 22, 2012, and was not sent for service to counsel of record until August 23, 2012. That Order only extended the time to Answer until June 5, 2012. Consequently, Respondent is promptly filing this letter in support of another motion to extend time to Answer in order to allow the parties to continue settlement communications. Based on my recent communications with Mr. Timothy Murphy, Esq., counsel for Petitioner, Mr. Murphy does not oppose this extension request.

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 negotiating the terms of a Consent Decree. Specifically, the parties have agreed on a compliance schedule, and the only remaining component is whether the parties can agree on a monetary settlement amount. Counsel for the Petitioner and Respondent have been in frequent communication with each other regarding the progress.

September 4, 2012
Page 2

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

Very truly yours,
Saul Ewing LLP

A handwritten signature in black ink, appearing to read 'Cristina Stummer', with a long horizontal line extending to the right.

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.

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 September 4, 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, 17th Floor
New York, New York 10007

3. On September 4, 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, 16th 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: September 4, 2012

September 4, 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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Docket No.: CWA-02-2009-3802

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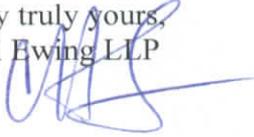
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Saul Ewing LLP



Cristina Stummer

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