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Kurt A. Kissling
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January 23, 2012

Via Overnight FedEx and E-mail


United States EPA, Region 5
Office of Regional Hearing Clerk
LaDawn Whitehead
77 W. Jackson Blvd.
Mailcode: E-19J
Chicago, IL 60604-3590

Re: In the Matter of Warren Steel Holdings, LLC (Warren, OH)
Docket No. CAA-05-2011-0063

Dear Ms. Whitehead:

On behalf of my client, Warren Steel Holdings, LLC ("WSH"), please find the original and one copy of WSH's Unopposed Motion for Second Extension of Time to Answer the Complaint, a Memorandum in Support, a proposed Order, and a Certificate of Service. Please contact me if you have any questions.

Sincerely,



Kurt A. Kissling

Enclosures

c: Marcy Toney (EPA) (w/encls.)
Susan Prout (EPA) (w/encls.)

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JAN 24 2012

UNITED STATE ENVIRONMENTAL PROTECTION AGENCY

REGION 5

REGIONAL HEARING CLERK
U.S. ENVIRONMENTAL
PROTECTION AGENCY

In the Matter of:) Docket No. CAA-05-2011-0063
)
Warren Steel Holdings, LLC) Proceeding to Assess a Civil Penalty
Warren, Ohio,) Under Section 113(d) of the Clean Air Act
) 42 U.S.C. § 741(d)
Respondent.)

**RESPONDENT WARREN STEEL HOLDINGS, LLC'S
UNOPPOSED MOTION FOR SECOND EXTENSION OF
TIME TO ANSWER THE COMPLAINT**

Respondent, Warren Steel Holdings, LLC ("WSH"), through its attorneys, Pepper Hamilton LLP, moves the Regional Judicial Officer, as the Presiding Officer, for an extension of time to answer the Complaint in this matter. In support, WSH states:

1. On Friday, September 30, 2011, the United States Environmental Protection Agency ("EPA") filed an administrative complaint alleging violations related to the Clean Air Act.
2. Prior to the original deadline for filing its Answer, and in anticipation of reaching a settlement with EPA, WSH filed an Unopposed Motion for an Extension of Time to Answer the Complaint on October 21, 2011.
3. On October 24, 2011, an Order was entered by the Regional Judicial Officer granting WSH until January 30, 2012, to answer the Complaint.
4. Since entry of that Order, and despite the logistical challenges posed by the recent holidays, WSH and EPA have exchanged a considerable amount of information and appear to have reached a settlement for this case.

5. As a result of the parties' negotiations, the parties have negotiated a settlement and drafted a proposed Consent Agreement and Final Order ("CAFO") to memorialize it that is very near completion and could be signed by WSH within the next week.

6. Given the imminent resolution of this case, WSH seeks a 21-day extension to allow the parties time for finalizing and executing the CAFO resolving this case, thereby obviating the need for additional and unnecessary filings.

7. Neither party to this action will suffer prejudice because EPA has represented through counsel that it supports WSH's request for a 21-day extension of time.

8. Since the parties have reached a settlement in principle and have only to finalize and execute the negotiated CAFO, there is good cause to extend the deadline for WSH to answer the Complaint.

WHEREFORE, Respondent Warren Steel Holdings, LLC respectfully requests an extension of time for WSH to answer the Complaint until February 20, 2012.

Respectfully Submitted,



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Attorneys for Warren Steel Holdings, LLC

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**MEMORANDUM OF LAW IN SUPPORT OF RESPONDENT
WARREN STEEL HOLDINGS, LLC'S UNOPPOSED MOTION
FOR SECOND EXTENSION OF TIME TO ANSWER THE COMPLAINT**

In support of its Unopposed Motion for Second Extension of Time to Answer the Complaint, Respondent Warren Steel Holdings, LLC relies on 40 C.F.R. § 22.7(b) and the reasons set forth in the accompanying Motion.

WHEREFORE, Respondent Warren Steel Holdings, LLC respectfully requests that the time for filing its Answer be extended to February 20, 2012.

Respectfully Submitted,



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Respondent.)	
)	

ORDER

Upon consideration of Respondent Warren Steel Holdings, LLC's Unopposed Motion for Second Extension of Time to Answer the Complaint brought pursuant to 40 C.F.R. § 22.7(b), it is hereby ORDERED that the Motion is GRANTED and Warren Steel Holdings, LLC shall have until the close of business on February 20, 2012, to file its answer the Complaint or otherwise plead in this matter.

IT IS SO ORDERED.

REGIONAL JUDICIAL OFFICER

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Respondent.)
)

CERTIFICATE OF SERVICE

I hereby certify that the original and one copy of Respondent Warren Steel Holdings, LLC's Unopposed Motion for an Extension of Time to Answer the Complaint, Memorandum in Support, and Proposed Order was filed with the Regional Hearing Clerk, Region 5, United States Environmental Protection Agency, and that a copy was sent via Overnight Federal Express and e-mail to the following on this 23rd day of January 2012:

Susan Prout
Associate Regional Counsel
United States Environmental Protection Agency
77 West Jackson Blvd.
Chicago, Illinois 60604
prout.susan@epa.gov

Marcy A. Toney
Regional Judicial Officer
United States Environmental Protection Agency
77 West Jackson Blvd.
Chicago, Illinois 60604
toney.marcy@epa.gov

Date: January 23, 2012


Andrea Hayden