

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4

IN THE MATTER OF:)	
)	
Bluestone Coke, LLC)	
3500 35 th Avenue North)	PROCEEDING UNDER SECTION
Birmingham, Alabama 35207)	3008(a) and (h) OF THE RESOURCE
)	CONSERVATION AND RECOVERY
Respondent.)	ACT, 42 U.S.C. § 6928(a) and (h)
)	
v.)	
)	
EPA ID. No. ALD 000 828 848)	DOCKET NO: RCRA-04-2023-2106

RESPONDENT’S SHOW CAUSE REPORT

COMES NOW, Respondent, Bluestone Coke, LLC, by counsel, and pursuant to the Presiding Officer’s Prehearing Order of July 11, 2024, and its Show Cause Order of October 4, 2024, and provides the following:

1. On April 10, 2024, Complainant brought this action against Respondent by filing its Complaint, Compliance Order, and Opportunity to Request a Hearing.
2. Respondent Answered that Complaint on June 27, 2024, by compiling an Answer document and sending that document via electronic mail to the Complainant’s Counsel and the Regional Hearing Clerk.
3. Since that time, Respondent has participated with Complainant in almost weekly telephone calls and conference calls seeking to find a resolution to this matter.
4. Further, Respondent has completed, drafted, and signed all required documents and document exchanges required by this process and the Prehearing Order of July 11, 2024.

5. On September 13, 2024, Respondent completed its Prehearing Report and Document Exchange by drafting that document and sending it to the Complainant's Counsel and the Regional Hearing Clerk via electronic mail, just as the Respondent did with its Answer to this Matter. Complainant's Counsel acknowledged receipt.
6. Respondent and its Counsel did not have access to the EPA OALJ E-Filing system, nor has ever had access to that system or used that system. It was Respondent's Counsel's understanding that the "filing" of a document was the process of sending a document via electronic mail to the Regional Hearing Clerk to be placed in the file.
7. Respondent and its Counsel, by online research and peer questioning, now understands the use of the OALJ E-Filing system. Further, Respondent's Counsel has registered for an account and has filed the required Pre-Hearing Report and this document via that system.

Respondent respectfully requests this Honorable Court to allow these documents to be filed late.

Dated: October 11, 2024

Respectfully submitted,

/s/ James V. Seal (SEA034)

OF COUNSEL:

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Attorneys for Respondent

CERTIFICATE OF SERVICE

The undersigned certifies that on October 11, 2024, I electronically filed the foregoing Respondent's Prehearing Exchange with the Clerk of the Office of Administrative Law Judges using the OALJ E-Filing System and sent it by electronic mail to:

Shannon L. Richardson
Regional Hearing Clerk
U.S. Environmental Protection Agency, Region 4
(404) 562-8929
Email: R4_Regional_Hearing_Clerk@epa.gov

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Respectfully submitted,

/s/ James V. Seal (SEA034)