

**UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
BEFORE THE ADMINISTRATOR**

In the Matter of:)
)
Nicor Gas,)
)
Respondent.)
)

DOCKET NO. TSCA-HQ-2015-5017

**STATUS REPORT,
JOINT MOTION FOR EXTENSION OF TIME TO FILE PREHEARING EXCHANGES,
AND STATEMENT OF LOCATION PREFERENCE**

I. STATUS REPORT

The parties conducted a settlement conference call on May 2, 2016, as directed by Administrative Law Judge Coughlin in the April 18, 2016 Prehearing Order (“Order”). Both Complainant and Respondent indicated during the call an interest in achieving, if possible, settlement. Respondent is considering reaching out to EPA’s Office of Pollution Prevention and Toxics to reconsider its denial of Respondent’s request for a waiver or variance under the natural gas pipeline system use authorization provisions, which waiver or variance may facilitate settlement. The parties at this time have not scheduled any follow-up settlement conferences.

II. JOINT MOTION FOR EXTENSION OF TIME TO FILE PREHEARING EXCHANGES

As part of the May 2, 2016 settlement conference, the parties discussed the litigation schedule outlined in the Order and compared their schedules. EPA counsel is conducting several out-of-town weeklong settlement negotiations in May and Respondent’s counsel is preparing for trial in July and August. As a result, both parties jointly request, for good cause pursuant to Rule 22.7(b) of the Consolidated Rules of Practice (40 C.F.R. § 22.7(b)), that the Initial Prehearing

Exchange due date be extended two months, from June 3, 2016 until August 5, 2016, with subsequent deadlines being extended accordingly. In the event the parties reach a resolution, the parties propose filing a fully executed consent agreement on or before the end of the two-month extended filing period, specifically August 5, 2016. However, if the parties are unable to settle this matter within this timeframe, the parties propose filing prehearing exchanges pursuant to the following proposed schedule or such other schedule ordered by the Judge:

- August 5, 2016 Complainant's Initial Prehearing Exchange
- August 26, 2016 Respondent's Prehearing Exchange
- September 9, 2016 Complainant's Rebuttal Prehearing Exchange

This Joint Motion meets the requirements of the Consolidated Rules of Practice. As discussed above, Complainant and Respondent both support this motion. Consistent with 40 C.F.R. §§ 22.7(b) and 22.16, this request for an extension of time is made in the form of a motion and the relief sought is clearly stated. The motion is timely as it is filed in advance of the June 3, 2016 deadline imposed by the Order for the Complainant to file its Initial Prehearing Exchange. This request does not prejudice Respondent or Complainant and does not unduly delay the administrative proceeding. No date for hearing has been set, and this is the parties' first request for an extension. If granted, the extended timeframe for filing prehearing exchanges will enable the parties to settle and/or prepare properly without unduly burdening the Judge or the Judge's docket.

Therefore, for good cause shown, the parties jointly request that the prehearing exchange deadline set forth in the Order be extended for a two-month period, with the Initial Prehearing Exchange due on August 5, 2016, to allow the parties the opportunity to attempt to settle this matter prior to adjudication and to prepare properly for hearing. If a settlement is

achieved, the parties will file a consent agreement in lieu of the Complainant's Initial Prehearing Exchange on or before August 5, 2016.

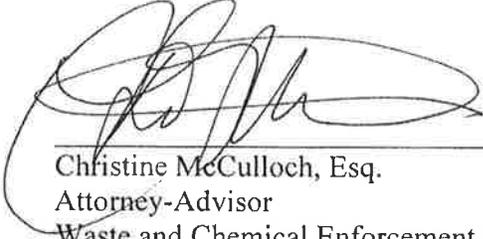
III. STATEMENT OF LOCATION PREFERENCE

As directed by Judge Coughlin in the April 18, 2016 Prehearing Order, Nicor states that its preferred location of any hearing in this matter is Chicago, Illinois, based on that location's proximity to Nicor's headquarters in Naperville, Illinois. EPA's preferred location for any hearing on this matter is Washington, D.C. based on proximity to EPA Headquarters.

Respectfully Submitted,

Counsel for EPA:

5/12/2016
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5-13-16
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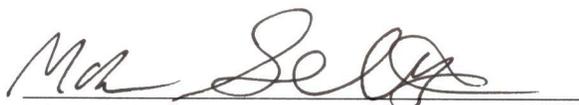
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CERTIFICATE OF SERVICE

I hereby certify that the original of the foregoing Joint Motion for Extension of Time to File Prehearing Exchanges, and Statement of Location Preference, Docket No. TSCA-HQ-2015-5017, has been filed with the Headquarters Hearing Clerk and that a copy was sent by first class mail and email to:

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