

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2**

-----X
In the Matter of :
 :
T.C. Dunham Paint Company, Inc. : NOTICE OF PENDING SETTLEMENT
 : AND MOTION TO FILE MODIFIED
 : PREHEARING EXCHANGE
 :
Respondent. : Docket No. RCRA-02-2013-7105
 :
Proceeding Under Section 3008 :
of the Solid Waste Disposal Act, :
as amended :
-----X

**NOTICE OF PENDING SETTLEMENT AND MOTION TO FILE MODIFIED PREHEARING
EXCHANGE**

Counsel for Complainant and counsel for Respondent have conferred on this Notice and Motion and counsel for Respondent has authorized the under-signed to submit said Notice and Motion.

As per your Honor's Order dated May 22, 2014, Complainant's Pre-hearing Exchange (PHE) is due on or before July 7, 2014. Please be informed that the parties have tentatively agreed to a settlement and the settlement documents are circulating at EPA for management approval.

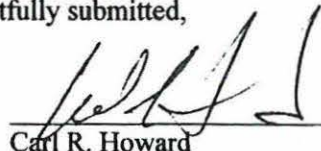
EPA is prepared to file its Pre-hearing Exchange documents on Thursday, July 3 (as July 4 is a Friday and a holiday and the filing deadline is Monday, July 7). However, given that EPA has already shared with Respondent some of the documents and evidence listed in EPA's PHE, and given that many other documents are readily available on EPA's web-site, and in the interest of saving time, energy and scarce resources, the parties respectfully request that your Honor accept EPA's filing without hard copy attachments of such documents and evidence. More specifically, all of the EPA penalty guidance documents Respondent either already has or can readily obtain from EPA's web-site. EPA has already provided Respondent with color copies of over 100 pictures taken during the site inspection. All correspondent between the parties, including the Section 3007 Information Request Letter and Respondent's response are possessed by both parties. Therefore, given the likelihood of this case settling and the likelihood of there being no need to proceed with the pre-hearing process, the parties respectfully request that your Honor accept EPA'S filing without the above-noted documents and evidence.

The parties will make every effort to fully resolve this matter within the next twenty-five (25) business days (summer vacations may slow the process somewhat). If this matter is not resolved within this period, or if settlement breaks down, EPA will provide the Court with all of the documents and evidence noted in its PHE.

Respondent's attorney joins in this request.

Respectfully submitted,

7-1-17
Dated



Carl R. Howard
Assistant Regional Counsel
Environmental Protection Agency - Region 2
290 Broadway
New York, New York 10007-1866
(212) 637-3216

In the Matter of T.C. Dunham Paint Company, Inc.
Docket No. RCRA-02-2013-7105

CERTIFICATE OF SERVICE

I certify that I have this day caused (or am causing) to be sent the foregoing Motion For Extension of Time to File Prehearing Exchanges to the following addressees listed herein in the manner listed below:

Copy by
Electronic mail to:

Honorable Christine D. Coughlin
Administrative Law Judge
U. S. Environmental Protection Agency

And,

Headquarters Hearing Clerk

Sent via OALJfiling@epa.gov,

Copy via
Electronic mail to
Attorney for Respondent:

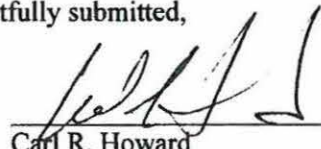
Frederick Eisenbud
Law Office of Frederick Eisenbud
The Environmental Law Firm
6165 Jericho Turnpike
Commack, New York 11725-2803
Sent via:
fe@li-envirolaw.com

7-1-14



Respectfully submitted,

7-1-17
Dated



Carl R. Howard
Assistant Regional Counsel
Environmental Protection Agency - Region 2
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New York, New York 10007-1866
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Respondent's attorney joins in this request.

