

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY

BEFORE THE ADMINISTRATOR

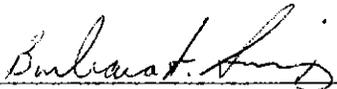
In the Matter of)
)
PARRY FARMS, LLC,) DOCKET NO. CWA-08-2010-0002
)
)
Respondent)

REPORT RECOMMENDING CONTINUATION
OF ALTERNATIVE DISPUTE RESOLUTION PROCESS

The Report approved March 25, 2010 provides that this alternative dispute resolution (ADR) process terminates April 29, 2010. The recommendation of this Report is that the ADR process be continued for a *final* month, to May 29, 2010.

This continuation of the ADR process is recommended because the parties' negotiations have developed the possibility of a settlement, but additional time is needed if a settlement is to be actually concluded. In a conference call on April 20, 2010 the parties agreed that the ADR process should be continued.

Accordingly, the undersigned will continue to work as a Neutral in this case and will file another report with the Chief Administrative Law Judge by May 29, 2010 unless otherwise directed by her.



Barbara A. Gunning
Administrative Law Judge

Dated: April 20, 2010

Approved: 

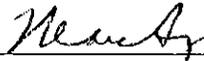
Susan L. Biro
Chief Administrative Law Judge

Dated: 4/20/10

**In the ADR Matter of *Parry Farms, LLC*, Respondent.
Docket No. CWA-08-2010-0002**

CERTIFICATE OF SERVICE

I hereby certify that the foregoing **Report Recommending Continuation of Alternative Dispute Resolution Process**, dated April 20, 2010, was sent this day in the following manner to the addressees listed below.



Mary Angeles
Legal Staff Assistant

Original and One Copy by Pouch Mail to:

Tina Artemis
Regional Hearing Clerk
U.S. EPA / Region VIII
1595 Wynkoop Street
Denver, CO 80202-1129

One Copy by Pouch Mail to:

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One Copy by Regular Mail to:

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Park City, UT 84098

**Dated: April 20, 2010
Washington, D.C.**

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
BEFORE THE ADMINISTRATOR

In the Matter of:)
)
TONAWANDA COKE CORP.,) Docket No. RCRA-02-2010-7104
)
Respondent)

**ORDER ON MOTION FOR EXTENSION OF TIME
TO FILE PREHEARING EXCHANGE**

A Prehearing Order was issued in this matter on March 17, 2010, directing the Complainant, Director of the Division of Enforcement and Compliance Assurance, EPA Region 2, to file a initial prehearing exchange on April 23, 2010, Respondent to file a prehearing exchange on May 14, 2010, and Complainant to file a rebuttal prehearing exchange on May 28, 2010. On April 20, 2010, Complainant submitted a Motion for Extension of Time to File Prehearing Exchange, proposing that the due date for its prehearing exchange be extended to June 18, 2010. The Motion states that counsel for Respondent "has authorized counsel for Complainant to submit this Motion."

The Motion states that the parties are making good progress toward settlement, that Respondent submitted for EPA review a Draft Sampling and Analysis Plan on April 12, that EPA will send comments on it to Respondent on or about April 20, and that Complainant has drafted a Consent Agreement and Final Order, to be forwarded to Respondent for review after EPA's internal review. The Motion states that filing of the prehearing exchange should not be necessary.

Good cause exists for granting an extension of time in that it is in the interest of the parties and judicial economy for the parties to settle this matter on mutually agreeable terms rather than litigate the matter to conclusion. In that a hearing in this case has not been scheduled, no prejudice will result from a brief delay. However, Complainant has requested a two month delay, and has not shown any need for such a lengthy delay. A six week extension appears to be ample time to complete a settlement in the circumstances of this case.

Accordingly, Complainant shall file the fully executed Consent Agreement and Consent Order (CAFO) or its Initial Prehearing Exchange, on or before **June 4, 2010**. If the