

FILED

UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY  
REGION 9  
75 HAWTHORNE STREET  
SAN FRANCISCO, CALIFORNIA 94105

2010 OCT 18 AM 9:13  
U.S. ENVIRONMENTAL PROTECTION AGENCY  
REGIONAL HEARING CLERK

IN RE: )  
 ) DOCKET NO. CAA-9-2010-0003  
SUN LAND MATERIALS, LLC )  
 ) MOTION TO EXTEND TIME  
 ) TO RESPOND TO COMPLAINT  
RESPONDENT )  
\_\_\_\_\_ )

TO THE REGIONAL JUDICIAL OFFICER:

Pursuant to the authority set forth in the Consolidated Rules of Practice, 40 C.F.R. Part 22, Complainant U.S. Environmental Protection Agency, Region 9 (“Complainant”) moves the Regional Judicial Officer to grant a 60-day extension of time to respond to the complaint in the above-entitled action (“Complaint”) to January 3, 2011. Complainant’s reasons for seeking an extension for time are set forth below.

**BACKGROUND**

On September 28, 2010, Complainant filed a civil administrative action against Respondent Sun Land Materials, LLC, in the above-entitled action. The Complaint alleges violations of Regulation III, Rule 316 of Maricopa County Air Quality Department as incorporated into the State Implementation Plan for Arizona pursuant to Section 110 of the Act, 42 U.S.C. § 7410. Respondent was served with the Complaint on or about October 4, 2010.

**ARGUMENT**

The Regional Judicial Officer may grant an extension of time to file an answer upon filing of a timely motion, a showing of good cause and after consideration of prejudice to other parties to

the action. 40 C.F.R. §§ 22.7(b); 22.16. This motion satisfies these criteria.

This motion is timely, having been filed prior to the date for Respondent's response to the Complaint.

This motion also complies with the "good cause" requirement of 40 C.F.R. § 22.7(b). It is EPA's policy to encourage settlement and avoid litigation when consistent with the provisions and objectives of the law at issue. 40 C.F.R. § 22.18(b). Representatives of EPA and Respondent are discussing settlement of the above captioned matter, and a 60-day extension of time to answer will facilitate such negotiations. Respondent does not oppose this motion.

Finally, granting of this motion will not result in prejudice. As noted above, the parties are involved in settlement discussions and the requested extension will provide EPA and Respondent sufficient time to reach and finalize settlement and fully resolve the matter.

#### CONCLUSION

For the reasons set forth above, Complainant respectfully requests that the Regional Judicial Officer grant Complainant's motion to extend time to file a response to and including January 3, 2011.

Dated at San Francisco, California on this 18<sup>th</sup> day of October, 2010.



David H. Kim

Assistant Regional Counsel  
USEPA, Region 9

CERTIFICATE OF SERVICE

I certify that the original and a copy of the foregoing Motion to Extend Time to Respond to Complaint was hand delivered to:

Regional Hearing Clerk  
U.S. Environmental Protection Agency, Region 9  
75 Hawthorne Street  
San Francisco, CA 94105

and that a true and correct copy of the Motion was placed in the United States Mail, addressed to the following:

Erman Christofferson  
Sun Land Materials, LLC  
6950 W. Southern Avenue  
Laveen, AZ 85339

Robert S. Porter, Esq.  
Porter Law Firm  
7243 N: 16<sup>th</sup> Street  
Phoenix, AZ 85020

Dated: 10-18-2010

By: Vasilis Kontaxakis

Office of Regional Counsel  
USEPA, Region 9