



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 1

1 CONGRESS STREET, SUITE 1100  
BOSTON, MASSACHUSETTS 02114-2023

RECEIVED

NOV 18 P 2 0

EPA ORC  
OFFICE OF  
HEARING CLERK

**HAND DELIVERED**

November 18, 2009

Judy Lao-Ruiz  
Acting Regional Hearing Clerk  
U.S. Environmental Protection Agency, Region 1  
One Congress Street, Suite 1100 (RAA)  
Boston, Massachusetts 02114-2023

RE: In the Matter of Lin-Cor Environmental, LLC, Docket No. RCRA-01-2009-0081  
Opposition to Respondent's Unilateral Motion to Extend Time to File an Answer

Dear Ms. Lao-Ruiz,

Enclosed for filing in the above-referenced matter, please find the original and one copy of EPA's Opposition to Respondent's Unilateral Motion to Extend Time to File an Answer and Certificate of Service.

Thank you for your attention to this matter.

Sincerely,

Amanda J. Helwig  
Enforcement Counsel  
U.S. Environmental Protection Agency, Region 1

cc: E. Chris L'Hommedieu, Esq., L'Hommedieu Law Office, P.A.

Enclosures

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION I  
BEFORE THE ADMINISTRATOR

RECEIVED

2009 NOV 18 P 2 45

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In the Matter of: )  
)  
)  
**Lin-Cor Environmental, LLC** )  
276 Dow Highway )  
Eliot, Maine 03903 )  
\_\_\_\_\_)

EPA Docket No. RCRA-01-2009-0081  
EPA REG. CLERK

**OPPOSITION TO RESPONDENT'S UNILATERAL  
MOTION TO EXTEND TIME TO FILE AN ANSWER**

On November 16, 2009, Lin-Cor Environmental, LLC ("Respondent") filed a unilateral motion to extend the Answer period in this matter. The United States Environmental Protection Agency, Region 1 ("EPA" or "the Agency") opposes this motion. As grounds for this opposition, EPA states as follows:

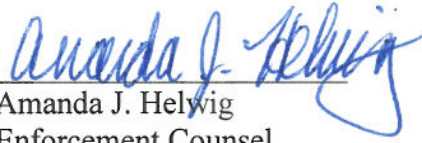
1. On June 30, 2009, EPA filed an Administrative Complaint against Respondent;
2. On June 30, 2009, EPA and Respondent discussed this matter. Respondent indicated its desire to engage in settlement discussions with EPA and to pursue an ability to pay claim in this matter;
3. On or about July 1, 2009, Respondent received the Complaint;
4. On July 31, 2009, Respondent filed a motion to extend the Answer period until September 1, 2009, in order to engage in settlement discussions with EPA. EPA consented to this motion. The Regional Judicial Officer granted this motion;

5. Respondent scheduled to meet with EPA on August 12, 2009. Respondent cancelled this meeting;
6. On August 31, 2009, Respondent filed a motion to extend the Answer period until October 1, 2009, in order to engage in settlement discussions with EPA. EPA consented to this motion. The Regional Judicial Officer granted this motion;
7. On September 10, 2009, EPA advised Respondent that it needed to submit numerous specific materials in support of its ability to pay claim by September 25, 2009;
8. Respondent failed to submit the requisite materials in support of its ability to pay claim by September 25, 2009;
9. On September 29, 2009, EPA contacted Respondent regarding its failure to submit the requisite materials in support of its ability to pay claim;
10. On September 29, 2009, Respondent provided EPA with two documents in support of its ability to pay claim;
11. On September 30, 2009, Respondent filed a motion to extend the Answer period until November 2, 2009, in order to continue settlement discussions with EPA. EPA consented to this motion. The Regional Judicial Officer granted this motion;
12. On October 1, 2009, Respondent met with EPA to engage in settlement discussions. During this meeting, Respondent restated its intent to pursue an ability to pay claim in this matter. EPA informed Respondent that it must submit numerous additional materials to support its ability to pay claim by

- October 16, 2009. EPA advised Respondent that the Agency would not consent to any further motions to extend the Answer period;
13. Respondent failed to submit the required information in support of its ability to pay claim by the October 16, 2009 deadline;
  14. On October 21, 2009, EPA contacted Respondent regarding its failure to submit the requisite materials in support of its ability to pay claim. EPA received no response from Respondent;
  15. Respondent failed to file an Answer by the November 2, 2009 deadline,
  16. On November 4, 2009, EPA contacted Respondent regarding its failure to submit an Answer. EPA received no response from Respondent;
  17. On November 12, 2009, EPA contacted Respondent regarding its failure to submit an Answer and advised Respondent that EPA intended to move for default judgment in this matter unless Respondent filed an Answer imminently;
  18. On November 16, 2009, Respondent filed an Answer and unilateral motion to extend the Answer period until December 2, 2009;
  19. Given that Respondent received an additional 90 days to submit an Answer, had full and fair notice of the Answer deadline, was unresponsive to multiple EPA inquiries, failed to submit materials necessary to facilitate a settlement agreement, and failed to submit a timely Answer, an extension of the Answer period is neither reasonable nor warranted.

Date: 11/18/09

Respectfully submitted,

A handwritten signature in blue ink that reads "Amanda J. Helwig". The signature is written in a cursive style and is positioned above a horizontal line.

Amanda J. Helwig  
Enforcement Counsel  
U.S. Environmental Protection Agency, Region 1



CERTIFICATE OF SERVICE

I hereby certify that the foregoing Opposition to Respondent's Unilateral Motion to Extend Time to File an Answer has been sent to the following persons on the date noted below:

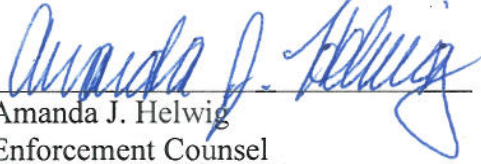
Original and one copy,  
by hand:

Judy Lao-Ruiz  
Acting Regional Hearing Clerk  
U.S. EPA, Region I  
One Congress Street, Suite 1100 (RAA)  
Boston, MA 02114-2023

One copy, by first-class mail:

E. Chris L'Hommedieu, Esq.  
L'Hommedieu Law Office, P.A.  
190 Bates Street  
Lewiston, ME 04240

Date: 11/18/09

  
Amanda J. Helwig  
Enforcement Counsel  
U.S. EPA, Region 1  
One Congress Street, Suite 1100 (SEL)  
Boston, MA 02114-2023  
Phone: (617) 918-1180  
Fax: (617) 918-0180

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Date: 11/18/09

Respectfully submitted,

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Amanda J. Helwig  
Enforcement Counsel  
U.S. Environmental Protection Agency, Region 1

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Original and one copy,  
by hand:

Judy Lao-Ruiz  
Acting Regional Hearing Clerk  
U.S. EPA, Region I  
One Congress Street, Suite 1100 (RAA)  
Boston, MA 02114-2023

One copy, by first-class mail:

E. Chris L'Hommedieu, Esq.  
L'Hommedieu Law Office, P.A.  
190 Bates Street  
Lewiston, ME 04240

Date: 11/18/09

  
Amanda J. Helwig  
Enforcement Counsel  
U.S. EPA, Region 1  
One Congress Street, Suite 1100 (SEL)  
Boston, MA 02114-2023  
Phone: (617) 918-1180  
Fax: (617) 918-0180