

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 8

2008 JAN 25 PM 1:49

FILED
EPA REGION VIII
HEARING CLERK

IN THE MATTER OF:) Docket No. RCRA-08-2008-0001
)
The Three Affiliated Tribes)
and Sharon Jacobs, individually,) **JOINT MOTION FOR EXTENSION**
) **TO FILE A RESPONSE**
)
(Highway 8 Convenience Store)
8098 BIA Route 22, Halliday, ND 58636)
EPA ID Number 3010040)
)
Respondents.)

The Three Affiliated Tribes and the Environmental Protection Agency (EPA), by and through their undersigned counsel, hereby move for an Order granting the Three Affiliated Tribes and Sharon Jacobs an extension of time to answer or otherwise respond to the Administrative Complaint and Notice of Opportunity for Hearing filed in the above-referenced matter.

As grounds for this Motion, the Three Affiliated Tribes and EPA (hereafter referred to collectively as "the Parties") state the following:

1. EPA filed the Administrative Complaint and Notice of Opportunity for Hearing (Complaint) in this matter on December 14, 2007
2. On December 21, 2007, the Three Affiliated Tribes (Tribes) accepted service for the Complaint.
3. In accordance with 40 C.F.R. § 22.15(a) of the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties, Issuance of Compliance or Corrective Action Orders, and the Revocation, Termination or Suspension of Permits

(Consolidated Rules), answers to complaints must be filed with the Regional Hearing Clerk within thirty (30) days after service of the complaint.

4. Pursuant to 40 C.F.R. § 22.7, Computation and extension of time, the Respondent's answer to the Complaint was due January 24, 2008.

5. On January 24, 2008, the parties discussed the status of Respondent Three Affiliated Tribes' answer and the difficulties encountered by the Tribes' attorney in collecting documentation in support of the answer despite good faith efforts due to the holidays. Respondent Three Affiliated Tribes requested a two-week extension of time to file its answer.

6. This Motion is timely filed, will not prejudice the Complainant, and is based on good cause.

WHEREFORE, the Parties jointly seek an extension of two weeks up to and including February 7, 2008, for Respondent Three Affiliated Tribes to answer or otherwise respond to the Complaint as permitted by 40 C.F.R. § 22.15.

Respectfully submitted this 25th day of January, 2008.

**THREE AFFILIATED TRIBES,
Respondent.**

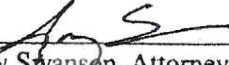
Date: 1/25/08

By: 

Damon Williams, Attorney
Legal Department

**UNITED STATES ENVIRONMENTAL
PROTECTION AGENCY, REGION 8,
Complainant.**

Date: 1/25/08

By: 
Amy Swanson, Attorney
Legal Enforcement Program

CERTIFICATE OF SERVICE

The undersigned hereby certifies that the original and one copy of the JOINT EXTENSION FOR OF TIME TO FILE RESPONSE were hand-carried to the Regional Hearing Clerk, EPA, Region 8, 1595 Wynkoop Street, Denver, Colorado, and that a true copy of the same was sent as follows:

By hand-delivery to:

The Honorable Elyana R. Sutin
Regional Judicial Officer
U.S. EPA Region 8
1595 Wynkoop Street
Denver, CO 80202-1129

By regular and electronic mail to:

Damon Williams, Attorney
Legal Department
Three Affiliated Tribes
404 Frontage Road
New Town, ND 58763
damonwilliams@mhanation.com

By certified mail to:

Sharon Jacobs, Manager
Highway 8 Convenience Store
713 80th Avenue NW
Halliday, ND 58636-4002

Date: 1/28/08

By: Judith M. McTernan