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2008 DEC 30 PM 3: 22

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX

U.S. ENVIRONMENTAL PROTECTION AGENCY
REGIONAL HEARING CLERK

IN THE MATTER OF:)	
)	
AbTech Industries, Inc.,)	U.S. EPA Docket No.
Respondent)	FIFRA-09-2008-0025
)	

ORDER GRANTING RESPONDENT'S SECOND MOTION FOR EXTENSION
OF TIME TO FILE ANSWER

By motion filed December 23, 2008, Respondent, AbTech Industries, Inc. seeks a thirty (30) calendar day extension of time, up to and including January 21, 2009 to file an answer to the Complaint.

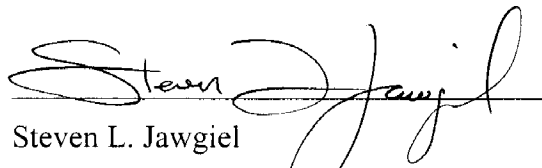
Consolidated Rules of Practice, 40 C.F.R. § 22.07(b), provides that a motion for extension of time may be granted "for good cause shown, and after consideration of prejudice to other parties."

On the basis of Respondent's motion, it appears that good cause exists for the extension of time, and there will be no prejudice to either party from granting the requested extension. Respondent conferred with Complainant and Complainant does not oppose this motion.

IT IS THEREFORE ORDERED THAT:

The time for Respondent to answer the Complaint and request a hearing is extended to and including January 21, 2009.

Dated: December 29, 2008



Steven L. Jawgiel
Regional Judicial Officer

CERTIFICATE OF SERVICE

I hereby certify that the foregoing ORDER GRANTING RESPONDENT'S MOTION FOR EXTENSION OF TIME TO FILE ANSWER in the matter of Ab Tech Industries Inc. (FIFRA-09-2008-0025), dated December 29, 2008, has been filed with the Regional Hearing Clerk, and a copy was served on Counsel for Respondent, and Counsel for EPA, as indicated below:

BY FIRST CLASS MAIL:

Respondent -
(By Counsel)

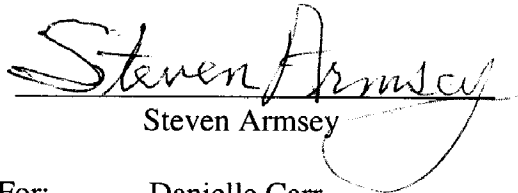
Dalva L. Moellenburg
GALLAGHER & KENNEDY
2575 East Camelback Road
Phoenix, AZ 85016-9225

HAND DELIVERED:

Complainant -
(By Counsel)

Edgar P. Coral
Office of Regional Counsel
ENVIRONMENTAL PROTECTION AGENCY
75 Hawthorne Street
San Francisco, CA. 94105

Dated at San Francisco, Calif., this 30th day of December, 2008.


Steven Armsey

For: Danielle Carr
Regional Hearing Clerk
EPA, Region 9