

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION VII
901 NORTH 5TH STREET
KANSAS CITY, KANSAS 66101

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ENVIRONMENTAL PROTECTION
AGENCY-REGION VII
REGIONAL HEARING CLERK

IN THE MATTER OF:)

Clean Harbors Environmental Services, Inc.)
2247 South Highway 71)
Kimball, Nebraska 69145)

) MOTION TO EXTEND
) ALTERNATIVE DISPUTE
) RESOLUTION

EPA ID Number NED981723513)

Respondent.)

) Docket No. RCRA-07-2009-0009

Proceeding under Section 3008 (a) and (g) of)
the Resource Conservation and Recovery Act)
as amended, 42 U.S.C. § 6928(a) and (g).)
_____)

MOTION TO EXTEND ALTERNATIVE
DISPUTE RESOLUTION

The Complainant, the United States Environmental Protection Agency (EPA), Region 7, by and through its attorney, respectfully requests an extension of time for the Alternative Dispute Resolution Process, based on the reasons specified below:

1. The parties have reached agreement in principle concerning injunctive relief in settlement of this matter.
2. Respondent has presented several Supplemental Environmental Projects (SEPs) that may be a component of settlement of this matter.
3. Following consultation with Respondent's facility and members of the surrounding community, Respondent will draft one or more SEP proposals for consideration by Complainant.

4. Pursuant to EPA's Supplemental Environmental Projects Policy, the SEP proposals will require approval from the appropriate officials in EPA Headquarters.

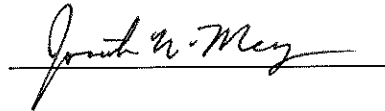
5. It is in the best interest of the parties to continue negotiations, as the parties believe that settlement of this matter will include performance of one or more SEPs, and additional time is necessary to incorporate the SEPs into a Consent Agreement and Final Order.

6. Counsel for Complainant is advised that Respondent has no objection to this extension.

Therefore, Complainant respectfully requests that this Motion be granted allowing Alternative Dispute Resolution to continue for an additional thirty days from February 12, 2010.

Dated this 4th day of February, 2010.

Respectfully submitted,



Jonathan W. Meyer
Assistant Regional Counsel
U.S. Environmental Protection Agency
Region 7
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Kansas City, Kansas 66101
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FAX (913) 551-9140

ATTORNEY FOR COMPLAINANT

CERTIFICATE OF SERVICE

I hereby certify that on this 4th day of February, 2010, I filed the original and one copy of the Motion to Extend Alternative Dispute Resolution with the Regional Hearing Clerk, EPA, Region 7, 901 North 5th Street, Kansas City, Kansas 66101, and sent this day in the following manner to the addressees listed below:

Via Pouch Mail to:

The Honorable Susan L. Biro
Chief Administrative Law Judge
U.S. Environmental Protection Agency
Office of Administrative Law Judges
Mail Code 1900L
Ariel Rios Building
1200 Pennsylvania Ave, N.W.
Washington, D.C. 20460

and

The Honorable Spencer T. Nissen
Administrative Law Judge
U.S. Environmental Protection Agency
Office of Administrative Law Judges
Mail Code 1900L
Ariel Rios Building
1200 Pennsylvania Ave, N.W.
Washington, D.C. 20460

Via Regular Mail to:

Raeford Craig Lackey, Esquire
Vice President & Chief Counsel
Environmental Law & Litigation
Clean Harbors Environmental Services, Inc.
400 Arbor Lake Drive, Suite B-900
Columbia, SC 29223

02/04/2010
Date

