

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 7
901 NORTH 5TH
KANSAS CITY, KANSAS 66101

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ENVIRONMENTAL PROTECTION
AGENCY-REGION VII
REGIONAL HEARING CLERK

IN THE MATTER OF:)
)
ROGER HARDERS)
1775 County Road M)
Wahoo, Nebraska 68066,)
)
Respondent.)
)
Proceedings under Section 309(a)(3) of the)
Clean Water Act, 33 U.S.C. § 1319(a)(3).)
_____)

UNOPPOSED MOTION FOR
EXTENSION OF TIME IN
WHICH TO ANSWER

Docket No. CWA-07-2004-0332

Pursuant to 40 C.F.R. § 22.16, Respondent Roger Harders moves for a 30-day extension in which to file an answer in this matter. The Respondent's answer currently is scheduled to be due on December 20, 2004. Due to that impending deadline, the Administrator's prompt attention is respectfully requested.

Counsel for the Respondent were retained on December 9, 2004. Counsel have been provided only the documents filed by the Agency in this matter. Counsel are not yet sufficiently familiar with the underlying facts as alleged in the Complaint, and additional time for preparation is needed. Assistant Regional Counsel for the Agency, Mr. Steven L. Sanders, Esq., indicated the Agency does not oppose this motion. In addition, both parties wish to explore the possibility of settlement prior to the filing of Respondent's answer. The parties' limited resources would be better spent on settlement discussions rather than litigation.

Therefore, Respondent requests an ORDER extending the date on which Respondent's answer will be due to January 20, 2005.¹

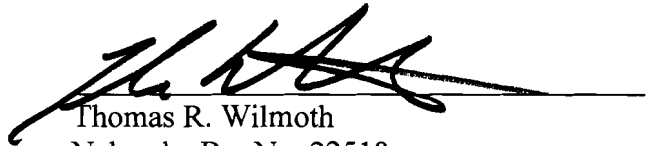
¹ A Proposed Order is attached for the Administrator's convenience.

In the event the Agency does not grant this motion, the Respondent alternatively requests leave under 40 C.F.R. § 22.5(a)(1) to file an answer via facsimile.

In compliance with 40 C.F.R. § 22.5(c)(4), the Respondent hereby gives notice that Thomas R. Wilmoth of Fennemore Craig, P.C. is authorized to receive service in this proceeding. Documents may be served at Fennemore Craig, P.C., 1221 N Street, Suite 801, Lincoln, Nebraska 68508-2028.

Respectfully submitted this 13th day of December 2004.

FENNEMORE CRAIG, P.C.



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Attorneys for Respondent


UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 7
901 NORTH 5TH
KANSAS CITY, KANSAS 66101

IN THE MATTER OF:)
)
ROGER HARDERS) CERTIFICATE OF SERVICE
1775 County Road M)
Wahoo, Nebraska 68066,)
)
Respondent.)
) Docket No. CWA-07-2004-0332
Proceedings under Section 309(a)(3) of the)
Clean Water Act, 33 U.S.C. § 1319(a)(3).)
_____)

The undersigned hereby certifies that on this 13th day of December, 2004, he caused to be sent via Federal Express, pursuant to 40 C.F.R. § 22.5(b)(2), the original and one true copy of UNOPPOSED MOTION FOR EXTENSION OF TIME IN WHICH TO ANSWER to the Regional Hearing Clerk, United States Environmental Protection Agency, 901 North 5th Street, Kansas City, Kansas 66101.

The undersigned further certifies that on this 13th day of December, 2004 he caused to be sent via First Class United States Mail a true and correct copy of UNOPPOSED MOTION FOR EXTENSION OF TIME IN WHICH TO ANSWER to:

Mr. Steven L. Sanders, Esq.
Assistant Regional Counsel
United States Environmental Protection Agency, Region 7
901 North 5th Street
Kansas City, Kansas 66101


Thomas R. Wilmoth

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 7
901 NORTH 5TH
KANSAS CITY, KANSAS 66101

IN THE MATTER OF:)

ROGER HARDERS)
1775 County Road M)
Wahoo, Nebraska 68066,)

Respondent.)

Proceedings under Section 309(a)(3) of the)
Clean Water Act, 33 U.S.C. § 1319(a)(3).)
_____)

(PROPOSED)
ORDER

Docket No. CWA-07-2004-0332

Having reviewed and considered the Respondent's Unopposed Motion for Extension of
Time in Which to Answer, IT IS HEREBY ORDERED:

The Respondent's motion is hereby GRANTED. The Respondent's answer is due on
January 20, 2005.

Administrator