

inspector responsible for reviewing the information was out for knee replacement surgery and then returned to work on a reduced schedule.

6. As a result, EPA did not respond further to Respondent until March 11 to schedule a conference call for March 21 that EPA subsequently rescheduled for March 28. Before that call, by letter dated March 27, Respondent provided additional information and analysis to EPA.

7. The parties discussed the matter at some length on March 28, but while productive, to allow EPA time to review certain information and explain its position further, the parties resumed the conversation for additional extended conference call on April 2. EPA then provided further clarity regarding its specific claims by e-mail on April 3.

8. Accordingly, through no fault of its own, Respondent is only now able to consider and evaluate EPA's response to information that Respondent has been providing to EPA over the past several months, dating back to the parties' first meeting in November 2018.

9. Moreover, Respondent is not a large organization – the same management and staff that will need to review and evaluate EPA's response and support further discussions with EPA would need to be supporting hearing preparations – while still responsible for operating their business.

10. As such, for these reasons, Respondent submits there is good cause to allow Respondent additional time to consider EPA's response and for the parties to conduct further discussions to assess whether there is an opportunity to resolve this matter without the need for further litigation, including potentially through the use of alternative dispute resolution, such as mediation.

Wherefore, Respondent respectfully requests a 60-day extension, i.e., to June 14, 2019, to file an answer and written request for a hearing in this matter. EPA counsel, Andrea Simpson, Esq., has assented to the filing and granting of this motion.

Respectfully submitted,

Assented to:

/s/Samuel B. Boxerman
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/s/Andrea Simpson (by SBB)
Andrea Simpson
U.S. Environmental Protection Agency

Date: April 10, 2019

CERTIFICATE OF SERVICE

I, Samuel B. Boxerman, hereby certify that on April 10, 2019, I served a copy of the foregoing Assented to Motion to Extend Time to File Answer by electronic mail to the following:

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