

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 1

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In the Matter of:)
)
PropSys Management Company)
55 Lisbon Street)
Suite 2100)
Lewiston, Maine 04240)
)
Respondent.)
)
Proceeding under Section 16(a) of the)
Toxic Substances Control Act)
42 U.S.C. § 2615(a))
)
)
)

Docket No.
TSCA-01-2009-0101
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**UNOPPOSED MOTION
TO EXTEND TIME
PERIOD IN WHICH TO
FILE ANSWER**

**UNOPPOSED MOTION FOR FURTHER EXTENSION OF TIME FOR FILING
ANSWER**

NOW COMES the Respondent, PropSys Inc., by and through undersigned counsel, and respectfully moves to further extend the time period in which to file its Answer in the above-captioned matter, for an additional 30-days, and in support says as follows:

1. On or about September 28, 2009, the Respondent was served with a Complaint alleging violations of the Residential Lead-Based Paint Hazard Reduction Act of 1992, 42 U.S.C. § 4851, federal regulations promulgated thereunder, and Section 409 of the Toxic Substances Control Act, 15 U.S.C. § 2689, and seeking civil penalties. The Complaint and related correspondence invited the Respondent to confer informally with the Complainant in order to explore the possibility of settlement.

2. Accordingly, Respondent initiated a request to engage in informal settlement discussions. The parties met in November 2009 and conducted a settlement

conference at which productive discussions were held, exploring potential ways in which this matter can be resolved by agreement and without the need for a hearing.

3. Thereafter, the Respondent made additional submissions to enforcement counsel in furtherance of settlement negotiations, and discussions between the parties regarding potential settlement have been ongoing. Currently, the Respondent is awaiting responsive correspondence from enforcement counsel on behalf of EPA which enforcement counsel indicates is anticipated to be transmitted to the Respondent later this week or early next week. Settlement discussions cannot proceed without this further exchange, however both parties still regard negotiations up to this point as productive and remain very optimistic about the prospect of finalizing a mutually-acceptable settlement agreement within the thirty days following EPA's transmission of its forthcoming correspondence. The Respondent has been advised that this process has been complicated most recently by ongoing issues associated with the relocation of EPA Region 1 from one building to another, and the unexpected occurrence of a significant water leak and related facilities issues that significantly disrupted normal operations at EPA Region 1. Consequently, enforcement counsel has indicated it will not oppose an additional extension of the time period for filing the Respondent's answer and the parties are committed to proceeding with all deliberate speed to resolve the matter without further litigation if at all possible.

4. 40 CFR §22.7(b) authorizes such extensions of time for good cause shown under circumstances such as these.

5. Consequently, the Respondent respectfully requests that the time period in which to file its Answer to the Complaint be further extended for an additional thirty days

from the current deadline of January 29, 2010 until Monday, March 1, 2010. As set forth above, Complainant, through Enforcement Counsel William D. Chin, has been consulted and has indicated that the Complainant **does not oppose** the Respondent's request.

WHEREFORE, the Respondent respectfully requests that the time period for filing its Answer in the above-captioned matter be extended until **March 1, 2010**.

RESPECTFULLY SUBMITTED:
PropSys Inc.,
Respondent.

By: 
Melinda R. Lawrence
Verrill Dana, LLP
One Portland Square
Portland, Maine 04112-0586
(207) 774-4000
mlawrence@verrilldana.com
Counsel for Respondent

January 27, 2010
Date

CERTIFICATION OF SERVICE

The undersigned hereby certifies that a copy of the foregoing was served on the following counsel of record for the Complainant, Legal Enforcement Manager of the Office of Environmental Stewardship, U.S. Environmental Protection Agency, Region 1 by U.S. Mail, first class postage pre-paid:

William D. Chin
Enforcement Counsel
U.S. EPA, Region 1
One Congress Street
Suite 1100 (Mail Code: SEL)
Boston, Massachusetts 02114-2023

Date: January 27, 2010


Malinda R. Lawrence
Counsel for Respondent

Verrill Dana_{LLP}

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January 27, 2010

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Ms. Judy Lao-Ruiz
Acting Regional Hearing Clerk
U.S. EPA, Region 1
One Congress Street
Suite 1100 (Mail Code: RAA)
Boston, MA 02114-2023

Re: In the Matter of PropSys Management Company
Docket No. TSCA-01-2009-0101

Dear Ms. Lao-Ruiz:

Please find enclosed the Respondent's Unopposed Motion for Further Extension of Time for Filing Answer, for filing in the above-captioned matter.

Thank you for your kind attention to this matter. Please feel free to call me if you have any questions or concerns.

Sincerely,



Malinda R. Lawrence
Counsel for Respondent, PropSys Inc.

cc: William D. Chin, Enforcement Counsel, U.S. EPA, Region 1
Mr. Lee Griswold, PropSys, Inc.

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