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## UNITED STATES ENVIRONMENTAL PROTECTION AGENCY REGION 5 2009 AUG -5 PM |: 38

IN THE MATTER OF:	) DOCKET NO DCDA 05 2000 0000
	) DOCKET NO. RCRA-05-2008-0006
John A. Biewer Company of Ohio	)
300 Oak Street	)
St. Clair, Michigan 48079-0497	)
	)
	)
Respondent	)
	)

## MOTION FOR EXTENSION OF TIME

The Administrator's Delegated Complainant, by counsel, hereby requests that she be given an extension of time within which to file a reply to Respondents' Memorandum in Opposition to EPA's Motion for Accelerated Decision on Derivative Liability, and states in support:

- (1) That pursuant to order, based upon the agreement of the parties, reply briefs of the parties on any motions for accelerated decision must be filed no later than August 12, 2009.
- (2) That Complainant intends to file a reply brief to Respondents' Memorandum in Opposition to EPA's Motion for Accelerated Decision on Derivative Liability, however, do to the absence of certain agency personnel she must confer with, Complainant may very well not be able to file a thoughtful reply brief by August 12, 2009, and, consequently, would ask for an additional week, to August 19, 2009, within which to file a reply brief.
- (3) By telephone, on August 5, 2009, counsel for Respondents stated that she would have no objection to the week extension of time.
- (4) On several occasions during the course of this proceeding, Respondents have sought, and received, an extension of time within which to file documents. No objection was raised by Complainant to any extension requested by Respondents.

This is Complainant's first request for an extension of time in this matter. (5)

Respectfully submitted,

Richard R. Wagner
Senior Attorney and Counsel for
the Administrator's Delegated Complainant

## In Re John A. Biewer Company of Ohio, Inc. No. RCRA-05-2008-0007

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## CERTIFICATE OF SERVICE

I hereby certify that today I filed the original, and one copy, of Complainant's Motion for Extension of Time in the office of the Regional Hearing Clerk (E-19J), United States Environmental Protection Agency, Region 5, 77 W. Jackson Boulevard, Chicago, IL 60604-3590, with this Certificate of Service. I further certify that I then caused true and correct copies of the filed documents to be mailed to the following:

Honorable William B. Moran Office of Administrative Law Judges U.S. Environmental Protection Agency Ariel Rios Building, Mailcode: 1900L 1200 Pennsylvania Ave., NW Washington, D.C. 20460

Douglas A. Donnell Mika Meyers Beckett & Jones, PLC 900 Monroe Avenue, NW Grand Rapids, MI 49503-1423

August 5, 2009

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