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BEFORE THE  
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5

REGIONAL HEARING CLERK  
U.S. ENVIRONMENTAL  
PROTECTION AGENCY

In the Matter of:	)	Docket No. CAA-05-2009-0007
	)	
BRC Rubber & Plastics, Inc.,	)	Proceeding to Assess a Civil Penalty
Montpelier, Indiana,	)	Under Section 113 (d) of the Clean Air
	)	Act, 42 U.S.C. § 7413(d)
Respondent.	)	

**MOTION TO EXTEND TIME FOR RESPONDENT  
TO ANSWER COMPLAINT AND REQUEST A HEARING**

NOW COMES Respondent, BRC Rubber & Plastic, Inc. ("BRC"), by and through its counsel, McGuireWoods LLP, and moves the United States Environmental Protection Agency, Region 5 ("EPA"), to extend the time for BRC to file an Answer and a Request for Hearing in this matter.

IN SUPPORT THEREOF, BRC states:

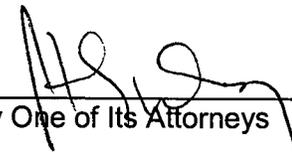
1. The Complaint in this matter was filed on December 22, 2008.
2. BRC's Answer and Request for Hearing is due 30 days thereafter.
3. BRC and EPA have met several times and were engaged in active, good faith settlement discussions prior to the filing of the Complaint.
4. Granting BRC an extension of 90 days beyond the current due date, i.e. until April 26, 2009, to answer the complaint and to request a hearing will allow settlement discussions to proceed to conclusion.
5. Complainant's counsel, Associate Regional Counsel Padmavati Bending, has represented that EPA has no objection to the granting of this extension. (Exhibit A).

WHEREFORE, BRC requests that the Regional Judicial Officer grant a 90 day extension of time for BRC to file its Answer and to request a hearing in this matter.

Dated: 1/13/09

Respectfully submitted,

BRC Rubber & Plastics, Inc.

  
 \_\_\_\_\_  
 By One of Its Attorneys

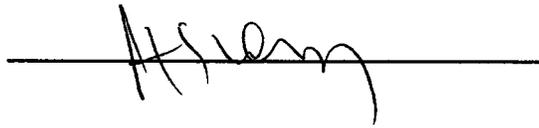
Patricia F. Sharkey  
McGuireWoods LLP  
Suite 4100  
77 West Wacker Drive  
Chicago, Illinois 60601

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on January 13, 2009, a copy of this Motion to Extend Time for Respondent to Answer Complaint and Request a Hearing was served upon the person named below by United States First-Class Mail:

Regional Hearing Clerk (E-13J)  
U.S. EPA, Region 5  
77 West Jackson Boulevard  
Chicago, Illinois 60604

Padmavati G. Bending, Associate Regional Counsel  
U.S. EPA, Region 5  
77 West Jackson Boulevard  
Chicago, Illinois 60604-3590



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PROTECTION AGENCY

**Sharkey, Patricia F.**

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**From:** Bending.Padmavati@epamail.epa.gov  
**Sent:** Monday, January 12, 2009 2:51 PM  
**To:** Sharkey, Patricia F.  
**Cc:** Daniels, Bradley R.  
**Subject:** Re: BRC - Draft - Motion to Extend Time to Answer & Request Hearing



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Ms. Sharkey: My understanding is that you need to file a motion to extend the time to answer with the Regional Hearing Clerk and serve a copy upon the Regional Judicial Officer who will then rule upon it. I have not seen an extension of time in the administrative arena done in this manner. I have no problem with you representing in such a motion that Complainant does not oppose the motion.

As for the date upon which BRC's answer is due, the 30 days includes weekends and holidays unless the 30th day falls upon a weekend or holiday. In addition, 5 days are added due to service occurring thru first class mail. As a result, I believe BRC's response is due on January 28, 2009.

/s/ Padma Bending

Padmavati G. Bending  
Associate Regional Counsel  
U.S. EPA, Region 5  
Office of Regional Counsel (C-14J)  
77 West Jackson Blvd.,  
Chicago, IL 60604

(312) 353-8917  
(312) 886-0747 (fax)

"Sharkey,  
Patricia F."  
<PSharkey@mcguirewoods.com>

01/12/2009 02:41  
PM

To  
Padmavati Bending/R5/USEPA/US@EPA  
cc

"Daniels, Bradley R."  
<BDaniels@mcguirewoods.com>

Subject  
BRC - Draft - Motion to Extend  
Time to Answer & Request Hearing

Ms. Bending - As discussed, the attached agreement would extend the time for BRC to answer the Complaint by 90 days (until May 23rd). I don't believe we need to file a motion with this agreement, but please let me know if you disagree. If you concur in the form and substance of this agreement, please return two signed copies to me and I will file a fully executed copy with the Regional Hearing Clerk and send an original signature copy to you.  
Thanks - Pat

Patricia F. Sharkey  
(Embedded image moved to file: pic08853.gif)  
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312.750.8601 (Direct Line)  
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psharkey@mcguirewoods.com

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