

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 8

Docket No. SDWA-08-2008-0088

2008 OCT -8 PM 2:59

HEARING CLERK

IN THE MATTER OF:)
)
Joseph Duvall)
(Craig Bar)
Wolf Creek, Montana)
)
Respondent)
)
Proceedings under section 1414(g))
of the Safe Drinking Water Act,)
42 U.S.C. §300g-3(g))

MOTION FOR EXTENSION OF TIME

COMES NOW the Complainant, United States Environmental Protection Agency Region 8 ("EPA"), by and through its attorney, Jean Belille, who moves the Presiding Officer to grant the Complainant an extension of time of 60 days to file a responsive pleading to Respondent's response to Answer to Complaint, Demand for Hearing on the Record, Request for Settlement Conference (Answer).

As grounds therefore, the Complainant asserts the following:

GROUND FOR MOTION

This motion is made pursuant to 40 C.F.R. section 22.7(b) and 40 C.F.R. section 22.16 of the CROP. Under CROP, a motion must be in writing, state the grounds for the motion with particularity set forth the relief or order sought, and be accompanied by any evidence or legal memorandum relied upon. Also, as provided for by rule, the Presiding Officer may grant an extension of time for filing any document upon timely motion of a party to the proceeding, for good cause shown, and after consideration of prejudice to other parties, or upon its own initiative. Any motion for an extension of time shall be filed sufficiently in advance of the due

date so as to allow other parties reasonable opportunity to respond and to allow the Presiding Officer reasonable opportunity to issue an order. 40 C.F.R. section 22.7(b).

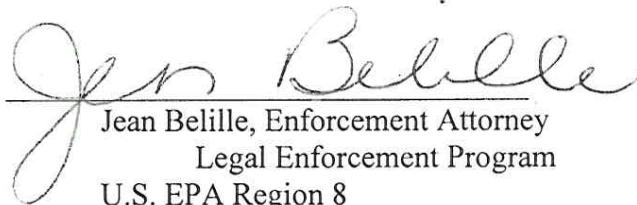
Respondent's Answer appears to move for dismissal of the complaint in the prayer for relief. Respondent's attorney is unavailable until October 24th due to a vacation and a business meeting. On Friday, October 3rd, 2008 the parties reached a settlement in principle on this matter.

Complainant respectfully requests a brief extension of time to accommodate personnel availability, to respond to the motion to dismiss if necessary, and to file a consent agreement in this matter.

United States Environmental Protection
Agency, Region 8

Date: October 8, 2008

By:



Jean Belille, Enforcement Attorney
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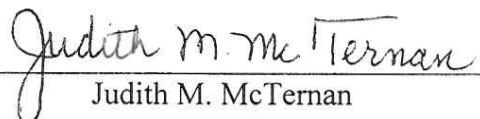
CERTIFICATE OF SERVICE

The undersigned hereby certifies that the original and one copy of the **MOTION FOR EXTENSION OF TIME** were hand-carried to the Regional Hearing Clerk, EPA, Region 8, 1595 Wynkoop Street, Denver, Colorado, and that a true copy of the same was mailed by first class mail to:

The Missouri River Law Office P.C.
Kristi Blazer, Attorney for Respondent,
Joseph Duvall (Craig Bar)
145 Bridge Street, Suite B
Craig, Mt 59648

Date: October 8, 2008

By:



Judith M. McTernan