



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 2  
290 BROADWAY  
NEW YORK, NEW YORK 10007-1866

U.S. ENVIRONMENTAL  
PROTECTION AGENCY-REG. II  
2009 AUG -6 AM 7:44  
REGIONAL HEARING  
CLERK

**Via Hand Delivery**

Date: August 5, 2009

To: Honorable Helen Ferrara  
Regional Judicial Officer

From: Carl R. Howard *CRH*  
Assistant Regional Counsel

Re: **Manley's Mighty-Mart, LLC**  
**Docket No. RCRA-02-2009-7503**

On April 23, 2009, counsel for Manley's, Gary S. Bowitch, wrote to you requesting an extension of time to file an Answer in this matter. By Order, dated April 27, 2009, you granted such request until August 3, 2009. On August 3, 2009, Mr. Bowitch and I discussed this matter and the likelihood of our settling this matter without the need for further litigation or administrative expense to his client. In that regard, we agreed that we would request a second extension of time for Mr. Bowitch to file an Answer as the filing of such a document would serve no useful purpose. I intended to file a motion with you that day and apologize for the lateness of this request but due to my recent two week absence from the office I was delayed in the filing of this request for another 60 to 90 days.

I believe 60 to 90 days is necessary in this matter as the envisioned settlement will involve a Supplemental Environmental Project (SEP) and the details of the SEP likely will take some time to negotiate.

Thank you for your attention to this matter,

cc: Gary S. Bowitch, Counsel for Respondent (via email and regular mail)  
Karen Maples, Regional Hearing Clerk (via hand delivery) ✓