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UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY  
REGION 8

EPA REGION VIII  
HEARING CLERK

IN THE MATTER OF:	)	Docket No. RCRA-08-2008-0002
	)	
The Three Affiliated Tribes	)	<b>JOINT MOTION FOR EXTENSION</b>
and Yolanda Bears Tail, individually,	)	<b>TO FILE A RESPONSE</b>
	)	
(White Shield Ree Store	)	
A Sesame Frontage Road,	)	
White Shield, ND 58775	)	
EPA ID Number 3010039)	)	
	)	
Respondents.	)	

The Three Affiliated Tribes and the Environmental Protection Agency (EPA), by and through their undersigned counsel, hereby move for an Order granting the Three Affiliated Tribes and Yolanda Bears Tail an extension of time to answer or otherwise respond to the Administrative Complaint and Notice of Opportunity for Hearing filed in the above-referenced matter.

As grounds for this Motion, the Three Affiliated Tribes and EPA (hereafter referred to collectively as "the Parties") state the following:

1. EPA filed the Administrative Complaints and Notice of Opportunity for Hearing (Complaints) in this matter on December 14, 2007
2. On December 21, 2007, Ms. Yolanda Bears Tail and the Three Affiliated Tribes (Tribes), respectively, accepted service for the Complaints.
3. In accordance with 40 C.F.R. § 22.15(a) of the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties, Issuance of Compliance or

Corrective Action Orders, and the Revocation, Termination or Suspension of Permits (Consolidated Rules), answers to complaints must be filed with the Regional Hearing Clerk within thirty (30) days after service of the complaint.

4. Pursuant to 40 C.F.R. § 22.7, Computation and extension of time, the Respondents' answers to the Complaints were due January 24, 2008.

5. On January 24, 2008, the parties discussed the status of Respondent Three Affiliated Tribes' answer and the difficulties encountered by the Tribes' attorney in collecting documentation in support of the answer despite good faith efforts due to the holidays. Respondent Three Affiliated Tribes requested a two-week extension of time to file its answer.

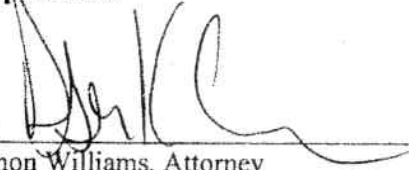
6. This Motion is timely filed, will not prejudice the Complainant, and is based on good cause.

WHEREFORE, the Parties jointly seek an extension of two weeks up to and including February 7, 2008, for Respondent Three Affiliated Tribes to answer or otherwise respond to the Complaint as permitted by 40 C.F.R. § 22.15. The Parties further request that Respondent Yolanda Bears Tail's timeframe for filing an answer similarly be extended until February 7, 2008.

Respectfully submitted this 25<sup>th</sup> day of January, 2008.


**THREE AFFILIATED TRIBES,  
Respondent.**

Date: 1/25/08

By:   
Damon Williams, Attorney  
Legal Department

**UNITED STATES ENVIRONMENTAL  
PROTECTION AGENCY, REGION 8,  
Complainant.**

Date: 1/25/2008

By:   
Amy Swanson, Attorney  
Legal Enforcement Program

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that the original and one copy of the JOINT EXTENSION FOR OF TIME TO FILE RESPONSE 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 sent as follows:

By hand-delivery to:

The Honorable Elyana R. Sutin  
Regional Judicial Officer  
U.S. EPA Region 8  
1595 Wynkoop Street  
Denver, CO 80202-1129

By regular and electronic mail to:

Damon Williams, Attorney  
Legal Department  
Three Affiliated Tribes  
404 Frontage Road  
New Town, ND 58763  
damonwilliams@mhanation.com

By certified mail to:

Yolanda Bears Tail, Manager  
White Shield Rec Store  
Two Second Avenue West  
Rose Glen, ND 58775

Date: 1/28/08

By: Judith M. McTernan