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April 24, 2009

VIA FEDERAL EXPRESS

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

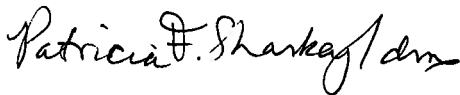
Re: BRC Rubber & Plastics, Inc.; Docket No. CAA-05-2009-0007

Dear Clerk:

Enclosed for filing please find the original and two copies of the Motion to Extend Time for Respondent to Answer Complaint and Request a Hearing. Please return a file-stamped copy to me in the enclosed self-addressed, stamped envelope.

Thank you for your assistance in this matter.

Sincerely,



Patricia F. Sharkey

PFS:drm  
Enclosures

Cc: Padmavati G. Bending, Associate Regional Counsel

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REGIONAL HEARING CLERK  
U.S. ENVIRONMENTAL  
PROTECTION AGENCY

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**BEFORE THE  
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5**

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 was originally due 30 days thereafter.
3. On January 16, 2009, the Regional Hearing Clerk granted Respondent an extension until April 27, 2009 to answer and request a hearing.
4. BRC and EPA have met several times and have been engaged in active, good faith settlement discussions since the filing of the Complaint.
5. Granting BRC an extension of 30 days beyond the current due date, i.e. until May 27, 2009, to answer the complaint and to request a hearing will allow settlement discussions to proceed to conclusion.
6. 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 30 day extension of time for BRC to file its Answer and to request a hearing in this matter.

Dated: 4/24/09

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

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APR 27 2009

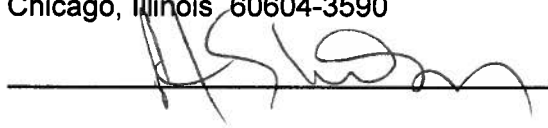
**REGIONAL HEARING CLERK  
U.S. ENVIRONMENTAL  
PROTECTION AGENCY**

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on April 24, 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

A handwritten signature in black ink, appearing to read "P. Bending", is written over a horizontal line.

**RECEIVED**  
APR 27 2009

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U.S. ENVIRONMENTAL  
PROTECTION AGENCY.**

**Sharkey, Patricia F.**

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**From:** Bending.Padmavati@epamail.epa.gov  
**Sent:** Thursday, April 23, 2009 4:19 PM  
**To:** Sharkey, Patricia F.  
**Subject:** Re: BRC- Motion for Extension to Answer Complaint

**Attachments:** pic21424.gif



pic21424.gif (2 KB)

To be safe, we will need two weeks to get the CAFO signed on our end so you need to get that signed CAFO to us sooner rather than later, since I will be out most of next week for a trial in Federal District court.  
U.S. EPA does not object to the request for extension. - pgb

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) 582-5154 (fax)

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PROTECTION AGENCY

**From:** "Sharkey, Patricia F." <PSharkey@mcguirewoods.com>  
**To:** Padmavati Bending/R5/USEPA/US@EPA  
**Date:** 04/23/2009 03:39 PM  
**Subject:** BRC- Motion for Extension to Answer Complaint

Padma -- I think we are very close to agreeing to final terms on the CAFO. I have drafted a Motion for an extension of 30 days to Answer the Complaint which I plan to file tomorrow. Will this be enough time to get final signatures from EPA? May I say that you concur in the extension?  
Thanks - Pat

Patricia F. Sharkey  
(Embedded image moved to file: pic21424.gif) McGuireWoods LLP  
77 West Wacker Drive  
Suite 4100  
Chicago, IL 60601-1818  
312.750.8601 (Direct Line)  
312.698.4577 (Direct FAX)  
psharkey@mcguirewoods.com

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