

**UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY  
BEFORE THE ADMINISTRATOR**

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**In the Matter of:** )  
 )  
**Nelcon, Inc.** ) **Docket No. CWA-08-2012-0025**  
 )  
**Respondent** )

**UNOPPOSED MOTION FOR EXTENSION OF TIME  
TO FILE STATUS REPORT**

Complainant United States Environmental Protection Agency Region 8, by and through undersigned counsel, respectfully moves for an extension of time for the date by which the settlement status report must be filed by Complainant (Motion). This Motion is made pursuant to Section 22.7 of the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation or Suspension of Permits, 40 C.F.R. § 22.7.

The undersigned has spoken with counsel for Respondent about this Motion. Counsel for Respondent has authorized the undersigned to inform the Presiding Officer that counsel for Respondent has no objection to this Motion.

The Presiding Officer's Prehearing Order in this matter dated May 17, 2013, directs the parties to engage in a settlement conference on or before May 31, 2013, and requires Complainant to file a status report regarding settlement (Status Report) on or before June 6, 2013.


In significant part because of undersigned counsel for Complainant's longstanding plans for a trip out of the country with family from May 23, 2013, until June 9, 2013, the parties will be unable to complete the settlement conference, and counsel will be unable to file the Status Report until after counsel's return to the office on June 11, 2013.

Complainant, therefore, requests an extension of time to file the Status Report from June 6, 2013, to June 20, 2013.

Respectfully submitted,

Date: May 23, 2013

By: \_\_\_\_\_

  
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CERTIFICATE OF SERVICE

I certify that on the date below, I sent by first class mail, a copy of the foregoing *Unopposed Motion for Extension of Time to File Status Report* to:

Rebecca L. Summerville  
Datsopoulos, MacDonald & Lind, P.C.  
Central Square Building  
201 W. Main Street, Suite 201  
Missoula, MT 59802

and, pursuant to the Order of Designation in this matter dated May 7, 2013, the original and one copy of the foregoing *Unopposed Motion for Extension of Time to File Status Report* were mailed to:

Sybil Anderson  
Headquarters Hearing Clerk  
Office of the Administrative Law Judges  
Mail Code 1900R  
1200 Pennsylvania Avenue, N.W.  
Washington, D.C. 20460

and, pursuant to the Prehearing Order of the Presiding Officer in this matter dated May 17, 2013, an electronic copy of the execution original of the foregoing *Unopposed Motion for Extension of Time to File Status Report* was emailed to the Office of Administrative Law Judges at ([oyaljfilings@epa.gov](mailto:oyaljfilings@epa.gov)), with a courtesy copy to counsel for Respondent.

Date: May 23, 2013

By:   
Charles L. Figur