UNITED STATES ENVIRONMENTAL PROTECTION AGENCY REGION I OCT 3 1 2019

In the Matter of: David Bean 1129 Johnston Drive Watchung, NJ 07069 Respondent Uffice of Regional Hearing Clerk Docket No. TSCA-01-2020-0009

EPA ORC

MOTION FOR EXTENSION OF TIME IN WHICH TO ANSWER THE ADMINISTRATIVECOMPLAINT

Proceeding under Section 16(a) of the Toxic Substances Control Act, 15 U.S.C. § 2615(a)

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I. NEED FOR AN EXTENSION

On October 3, 2019, David Bean ("Respondent") received the Administrative Complaint and Notice of Opportunity to Request a Hearing in the above-captioned matter ("Complaint"). Since receiving the Complaint, Respondent and Kathleen Woodward, EPA Senior Enforcement Attorney, have communicated by telephone and by email. Respondent has expressed his desire to settle the matter but asserts that he does not have the financial ability to pay the penalty demand. Respondent has submitted materials documenting ability to pay that are currently under consideration by the EPA Region 1 financial analyst. Additionally, Respondent has taken significant steps toward coming into compliance including obtaining EPA certification under the Renovation, Repair, and Painting Rule. Based upon these considerations, Complainant EPA requests that Respondent receive a forty-five (45) day extension of the deadline for filing an answer to the Complaint. This extension is necessary in order to explore the possibility of settlement in this matter so that both Complainant and Respondent can avoid incurring potentially unnecessary litigation costs. The requested forty-five (45) day extension should provide sufficient time to complete settlement of this matter.

Respondent has indicated that he has no objection to this request for an extension of time to answer the Complaint.

II. AUTHORITY TO GRANT AN EXTENSION

The Presiding Officer may grant an extension of time for filing any document, including a written answer to an administrative complaint, upon timely motion of a party to the proceeding, for good cause shown, after consideration of prejudice to other parties, under the Consolidated Rules of Practice, 40 C.F.R.§ 22.7(b). This motion is made sufficiently in advance of the due date of November 4, 2019, is intended to allow all parties to pursue settlement of this matter at an early stage of these proceedings, and is not opposed by Respondent. For these reasons, Complainant's request complies with the requirements of 40 C.F.R.§ 22.7.

III. <u>REQUEST FOR EXTENSION</u>

There is no prejudice to any other party and there is good cause for an extension of time in which to file an answer to the Complaint. Therefore, the Complainant respectfully requests that the time for filing an answer to the Complaint be extended to December 19, 2019.

Respectfully submitted,

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Kathleen E. Woodward Senior Enforcement Counsel U.S. EPA, Region I 5 Post Office Square, Suite 100 (ORC 04-2) Boston, Massachusetts 02109-3912