

FILED

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 9
75 HAWTHORNE STREET
SAN FRANCISCO, CALIFORNIA 94105

2011 OCT 13 PM 3:15

U.S. EPA REGION IX
REGIONAL HEARING CLERK

IN RE:)	
)	DOCKET NO. CAA-9-2011-0009
LEADING EDGE AVIATION SERVICES, INC.)	
)	MOTION TO EXTEND TIME
)	TO RESPOND TO COMPLAINT
RESPONDENT)	
_____)	

TO THE REGIONAL JUDICIAL OFFICER:

Pursuant to the authority set forth in the Consolidated Rules of Practice, 40 C.F.R. Part 22, Complainant U.S. Environmental Protection Agency, Region 9 ("Complainant") moves the Regional Judicial Officer to grant a 60-day extension of time to respond to the complaint in the above-entitled action ("Complaint") to January 10, 2012. Complainant's reasons for seeking an extension for time are set forth below.

BACKGROUND

On September 30, 2011, Complainant filed a civil administrative action against Respondent Leading Edge Aviation Services, Inc., in the above-entitled action. The Complaint alleges violations of Rule 1118 of the Mojave Desert Air Quality Management District as incorporated into the State Implementation Plan for California pursuant to Section 110 of the Act, 42 U.S.C. § 7410. Respondent was served with the Complaint on or about October 12, 2011.

ARGUMENT

The Regional Judicial Officer may grant an extension of time to file an answer upon filing of a timely motion, a showing of good cause and after consideration of prejudice to other

parties to the action. 40 C.F.R. §§ 22.7(b); 22.16. This motion satisfies these criteria.

This motion is timely, having been filed prior to the date for Respondent's response to the Complaint.

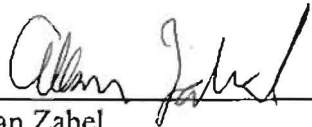
This motion also complies with the "good cause" requirement of 40 C.F.R. § 22.7(b). It is EPA's policy to encourage settlement and avoid litigation when consistent with the provisions and objectives of the law at issue. 40 C.F.R. § 22.18(b). Representatives of EPA and Respondent are discussing settlement of the above captioned matter, and a 60-day extension of time to answer will facilitate such negotiations. Respondent does not oppose this motion.

Finally, granting of this motion will not result in prejudice. As noted above, the parties are involved in settlement discussions and the requested extension will provide EPA and Respondent sufficient time to reach and finalize settlement and fully resolve the matter.

CONCLUSION

For the reasons set forth above, Complainant respectfully requests that the Regional Judicial Officer grant Complainant's motion to extend time to file a response to and including January 12, 2012.

Dated at San Francisco, California on this 13th day of October, 2011.



Allan Zabel
Chief, Air and Toxics Section II
USEPA, Region 9

CERTIFICATE OF SERVICE

I certify that the original and a copy of the foregoing Motion to Extend Time to Respond to Complaint ("Motion") was hand delivered to:

Regional Hearing Clerk
U.S. Environmental Protection Agency, Region 9
75 Hawthorne Street
San Francisco, CA 94105

and that a true and correct copy of the Motion was placed in the United States Mail, addressed to the following:

Michael Manclark
President
Leading Edge Aviation Services, Inc.
19301 Campus Drive, Suite 250
Santa Ana, CA 92707

Bradley M. Marten
Marten Law PLLC
1191 Second Avenue
Suite 2200
Seattle, Washington 98101

Dated: _____

By: _____

Peter Borja
Air Division (AIR-5)
US Environmental Protection Agency
75 Hawthorne Street
San Francisco, CA 94105