

U.S. ENVIRONMENTAL PROTECTION AGENCY
REGION 1 (NEW ENGLAND)

2009 FEB 19 A 10:17

In the Matter of:

THE COMMUNITY BUILDERS, INC. *et al.*,

Respondents.

U.S. EPA
REGIONAL HEARING CLERK

Docket No.
TSCA-01-2008-0079

JOINT MOTION FOR EXTENSION OF TIME TO FILE PRE-HEARING EXCHANGES

A pre-hearing Order was issued in this matter on September 18, 2008, which set forth a schedule for, *inter alia*, the parties' pre-hearing exchanges. On November 19, 2008, the parties submitted a Joint Motion for Extension of Time, requesting a 90 day extension of the filing schedule, to allow time to negotiate the terms of a Consent Agreement and Final Order. On November 20, 2008, this Court granted that Order, and the pre-hearing exchange filing deadline for all parties was set at February 27, 2009.

Under this Joint Motion for Extension of Time to File Pre-Hearing Exchanges, the parties hereby request an additional 30 day extension of the above-referenced filing deadline. The parties have worked diligently during the 90 day extension period to complete a document that accommodates the terms of their agreement. There are complexities present here by the nature of the Respondents and the policies that the parties seek to address in the settlement that have presented unique challenges in the experience of counsel. The parties are currently documenting resolution of a very small number of remaining issues and will work to have a signed settlement agreement to file upon the expiration of the requested extension. The parties wish to avoid

expending resources to prepare for litigation while productive negotiations are ongoing.

Therefore, we respectfully request this final indulgence of the Court.

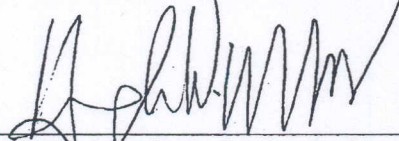
The parties remain fully committed to the negotiations regarding the terms of a Consent Agreement, and plan to continue that pursuit expeditiously. The parties are available at the convenience of the Court for a conference call to discuss this request for an extension or to respond to any questions or concerns the Court may have regarding the progress of settlement discussions.

Respectfully Submitted,

Counsel for Respondents, The
Community Builders, Inc. *et al.*


Robert C. Kirsch (BBO #541755)
Jamie C. Beard (BBO #671077)
Wilmer Cutler Pickering Hale
and Dorr LLP
Boston, MA 02109
(617) 526-6000

Counsel for Complainant, EPA – Region I


Hugh W. Martinez, Senior Enforcement Counsel
EPA Region I
One Congress Street, Suite 1100 (RAA)
Boston, MA 02114-2023

In re: The Community Builders, Inc. et al.
EPA Docket No. TSCA-01-2008-0079

CERTIFICATE OF SERVICE

I, Robert C. Kirsch, hereby certify that on this 18th day of February 2009, I caused the foregoing Unopposed Motion for Extension of Time to File Pre-Hearing Exchanges to be served on the following persons in the manner indicated:

Original and One Copy By Hand Delivery

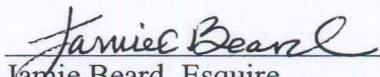
Wanda I. Santiago, Regional Hearing Clerk
U.S. EPA, Region 1
One Congress Street, Suite 1100 (RAA)
Boston, MA 02114-2023

One Copy By Fax [202-565-0044] and By Federal Express

The Honorable Susan L. Biro
Chief Administrative Law Judge and Presiding Officer
Office of the Administrative Law Judges
U.S. Environmental Protection Agency
Mail Code 1900L
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460

One Copy, Electronically and By Hand Delivery

Hugh W. Martinez, Senior enforcement Counsel
EPA Region 1
One Congress Street, Suite 1100 (RAA)
Boston, MA 02114-2023


Jamie Beard, Esquire
Wilmer Cutler Pickering Hale and Dorr LLP
60 State Street
Boston, MA 02109