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U.S. EPA, REGION IX  
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8 Attorneys for Respondent

9 UNITED STATES  
10 ENVIRONMENTAL PROTECTION AGENCY  
11 REGION IX  
12 75 HAWTHORNE STREET  
13 SAN FRANCISCO, CA 94105

14 In the Matter of:

15 SILVER BELL MINING, L.L.C.

16 Respondent.

Docket No. EPCRA-09-2007-0031

MOTION FOR EXTENSION OF  
TIME TO FILE ANSWER

17 Respondent Silver Bell Mining, L.L.C. requests an extension of time in which to  
18 file its answer in this matter on the grounds that a settlement has been agreed to with  
19 Complainant that, once fully executed and if approved by the Regional Judicial Officer,  
20 will obviate the need to file any answer whatsoever.

21 Respondent received the complaint in this matter on October 12, 2007. Pursuant to  
22 40 C.F.R. § 22.15(a), Respondent's answer is due on or about Monday, November 12,  
23 2007. Subsequent to receipt pf the complaint, Respondent and EPA have agreed on the  
24 terms of a settlement in this matter. Respondent is in the process of obtaining the  
25 necessary signatures on the proposed consent agreement and final order. Counsel for  
26 Complainant has indicated that it may take a week or longer for Complainant to execute  
and file the agreement once it receives the document executed by Respondent. Because  
the fully executed consent agreement and final order may not be filed prior to the date

1 Respondent's answer is due, and in order to avoid the unnecessary burden of preparing  
2 and filing an answer in a matter where a settlement has already been agreed to,  
3 Respondent hereby requests that the deadline for it to file its answer be extended to  
4 November 30, 2007.

5 A draft form of order is attached to this motion.

6 Counsel for Respondent has spoken to counsel for Complainant and been informed  
7 that Complainant does not oppose this motion.

8 RESPECTFULLY SUBMITTED this 5<sup>th</sup> day of November, 2007.

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FENNEMORE CRAIG, P.C.

By Scott H. Thomas  
Scott H. Thomas  
Attorneys for Respondent

Original and one copy of the foregoing sent by Federal Express this 5<sup>th</sup> day of November, 2007 to:

Danielle Carr  
Regional Hearing Clerk  
U.S. EPA Region 9  
75 Hawthorne St.  
San Francisco, CA 94105

Copies of the foregoing sent by Federal Express this 5<sup>th</sup> day of November 2007 to:

Steven L. Jawgiel  
Regional Judicial Officer  
U.S. EPA Region 9  
75 Hawthorne St.  
ORC-2  
San Francisco, CA 94105

1 Carol Bussey  
2 Assistant Regional Counsel  
3 U.S. EPA Region IX  
4 75 Hawthorne Street  
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