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2 GALLAGHER & KENNEDY, P.A.  
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5 Tel: (602) 530-8000  
6 Attorneys for Respondent

7 UNITED STATES  
8 ENVIRONMENTAL PROTECTION AGENCY  
9 REGION IX

10 In the Matter of:  
11 AbTech Industries, Inc.,  
12 Respondent.

Docket No. FIFRA-09-2008-0025

**MOTION FOR EXTENSION TO  
FILE ANSWER (UNOPPOSED)**

13 Respondent AbTech Industries, Inc. moves for an extension of forty-five (45) days,  
14 until December 22, 2009, to file its Answer to the Complaint in this case. The reason for  
15 the extension request is to allow additional time for Respondent and EPA Region IX to  
16 conclude ongoing settlement negotiations regarding this case.

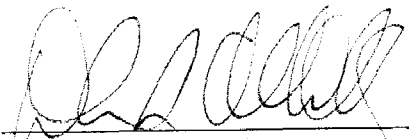
17 Respondent and EPA Region IX have engaged in substantial settlement negotiations  
18 and believe that there is a reasonable likelihood of reaching a settlement. Allowing  
19 additional time to conclude those negotiations will allow both parties to avoid unnecessary  
20 costs of preparing pleadings and commencing the hearing process. In the event that  
21 settlement negotiations can be concluded successfully, the matter would be resolved by the  
22 filing of a Consent Agreement and Final Order.

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Undersigned Counsel for Respondent has consulted with counsel for EPA Region IX, Edgar Coral, who concurs in this request. For these reasons, Respondent respectfully requests an extension of time to file its Answer until December 22, 2009, in the event that the matter cannot be resolved before then.

DATED this 4th day of November, 2008.

GALLAGHER & KENNEDY, P.A.

By:   
Dalva L. Moellenberg  
2575 East Camelback Road  
Phoenix, Arizona 85016-9225  
Attorneys for Respondent

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CERTIFICATE OF SERVICE

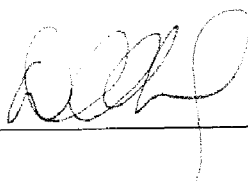
I certify that the original and one copy of the foregoing Motion for Extension of Time to Answer Complaint (Docket No. FIFRA-09-2008-08-0025) was sent via overnight mail to:

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

and that a true and correct copy of the foregoing Answer to Complaint (Docket No. FIFRA-09-2008-08-0025) was sent via overnight mail to:

Edgar P. Coral  
Assistant Regional Counsel  
U.S. Environmental Protection Agency  
Region IX  
75 Hawthorne Street  
San Francisco, California 94105

Dated: 11/4/08

By: 

1946982