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2008 DEC 23 PM 4:23

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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 SECOND
EXTENSION TO
FILE ANSWER (UNOPPOSED)**

13 Respondent AbTech Industries, Inc. moves for an additional extension of thirty (30)
14 days, until January 21, 2009, to file its Answer to the Complaint in this case. The reason
15 for the extension request is to allow additional time for Respondent and EPA Region IX to
16 conclude ongoing settlement negotiations regarding this case.

17 During the period of the first extension, Respondent and EPA Region IX continued
18 settlement negotiations, resulting in a draft Consent Agreement and Final Order provided
19 by counsel for Region 9 to counsel for Respondent on December 19, 2008. Additional
20 time is needed to conclude the review and finalization of the terms of the draft CAFO and
21 for the parties to execute a final CAFO.
22

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 January 21, 2009, in the event that the matter cannot be resolved before then.

DATED this 22nd day of December, 2008.

GALLAGHER & KENNEDY, P.A.

By:

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

1 CERTIFICATE OF SERVICE

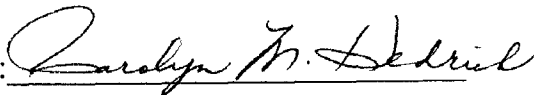
2 I certify that the original and one copy of the foregoing Motion for Extension of
3 Time to Answer Complaint (Docket No. FIFRA-09-2008-08-0025) was sent via overnight
4 mail to:

5 Regional Hearing Clerk
6 U.S. Environmental Protection Agency, Region IX
7 75 Hawthorne Street
San Francisco, California 94105

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

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

14
15 Dated: 12/22/08

By: 

16 1970349