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IN THE MATTER OF)
2009 JUL 23 PM 2: 50)

EPA Docket No. RCRA-HQ-2009-0001

EARTHECYCLE, LLC.,)
18420 E. Admiral Place)
Cartoosa, OK 74015,)

RESPONDENT)

JOINT MOTION TO EXTEND DEADLINE FOR RESPONDENT'S ANSWER TO THE AMENDED COMPLAINT

Complainant, the United States Environmental Protection Agency (EPA), and Respondent, EarthECycle LLC, jointly request a twenty (20) day extension to the deadline for the filing of Respondent's answer to the amended complaint filed on June 26, 2009 and served on July 2, 2009.

This motion is made pursuant 40 C.F.R. §§ 22.7(b) and 22.15 of the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation,/Termination or Suspension of Permits.

BACKGROUND AND GROUNDS FOR EXTENSION

On June 5, 2009, the Waste and Chemical Enforcement Division (WCED), EPA Headquarters, filed a complaint, compliance order, and notice of opportunity for hearing against the Respondent alleging violations of the Resource Conservation and Recovery Act (RCRA) associated with Respondent's export of used electronic equipment to Hong Kong. On June 26, 2009, WCED filed an amended complaint in this matter with additional allegations of RCRA violations associated with Respondent's export of used electronic equipment to South Africa. Respondent acknowledges that service of this amended complaint was made on July 2, 2009 via first class mail. The amended

complaint included a compliance order requiring the Respondent to arrange for the legal disposition of the used electronic materials, including procuring the return of two containers held by the government of South Africa, and also reserved EPA's right to seek penalties for the violations alleged in the complaint.

Since the filing of the amended complaint, Respondent has expressed a willingness to comply with the order and has taken steps to do so. Under the order, Respondent has some flexibility regarding the final disposition of these materials, conditioned on EPA's approval. WCED and the Respondent continue to discuss the options available to comply with the terms of the order and RCRA.

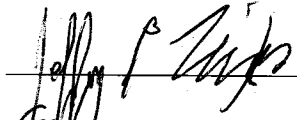
REQUESTED RELIEF

In the interest of facilitating a negotiated resolution to this matter, the parties request an extension for Respondent to file its answer until August 11, 2009, to allow for continued discussions regarding compliance with the order. This extension will preserve the Respondent's right to file an answer and request a hearing at any time prior to the new deadline. If an answer is not filed by August 11, 2009, then the provisions regarding default at 40 C.F.R. § 22.7 will apply and EPA may move to finalize the order at that time.

JPS

Respectfully submitted,

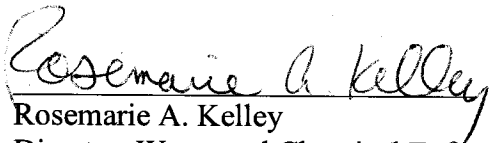
For Respondent:



Jeffrey Nixon
EarthECycle LLC

Date: 1/21/09

For Complainant:



Rosemarie A. Kelley
Director, Waste and Chemical Enforcement Division
Office of Civil Enforcement
U.S. Environmental Protection Agency

Date: 1/23/09