



Datsopoulos, MacDonald & Lind, P.C.

LAW OFFICES | EST. 1974

Missoula Offices

Central Square Building
201 W. Main Street, Suite 201
Missoula, MT 59802

Phone: 406.728.0810
Fax: 406.543.0134

www.dmlaw.com

Hamilton Offices

Hamilton Center
1920 N. First Street, Suite C
Hamilton, MT 59840

Phone: 406.961.9003
Fax: 406.961.9004

www.dmlaw.com

Milton Datsopoulos
Dennis E. Lind
William K. VanCanagan
Rebecca L. Summerville
David B. Cotner
Darla J. Keck
* Terance P. Perry
Molly K. Howard
Phil McCreedy
Trent N. Baker
Peter F. Lacny
* Matthew A. Baldassin
Joseph R. Casillas
George H. Corn
Kyle C. Ryan
Sherine D. Fernando

Ronald B. MacDonald [1946-2002]

* Also admitted in Washington
* Also admitted in Massachusetts

July 25, 2013

Sybil Anderson
Headquarters Hearing Clerk
Office of the Administrative Law Judges
Mail Code 1900R
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

Re: *Nelcon, Inc. – CWA-08-2012-0025*

Dear Ms. Anderson:

Enclosed please find for filing Respondent Nelcon, Inc.'s Motion for Extension of Time to File Answer to Amended Complaint with regard to the above matter, as well as a proposed Order.

Thank you.

Very truly yours,

DATSOPOULOS, MacDONALD & LIND, P.C.

Rebecca L. Summerville

RLS/dm
Enclosures: As stated
cc: Charles L. Figur, Senior Enforcement Attorney

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2013 JUL 26 AM 10:10

Rebecca L. Summerville
Datsopoulos, MacDonald & Lind, P.C.
201 West Main - Central Square Bldg.
Missoula, MT 59802
Phone: (406) 728-0810
Email: rsummerville@dmlaw.com
Attorneys for Nelcon, Inc.

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Docket CWA-08-2012-0025

| | | |
|---------------------|---|----------------------|
| IN THE MATTER OF: |) | |
| |) | UNOPPOSED MOTION FOR |
| Nelcon, Inc. |) | EXTENSION OF TIME |
| 304 Jellison Road |) | TO FILE ANSWER TO |
| Kalispell, MT 59903 |) | AMENDED COMPLAINT |
| |) | |
| Respondent. |) | |
| _____ |) | |

COMES NOW Nelcon, Inc. by and through its counsel, Datsopoulos, MacDonald & Lind, P.C., and pursuant to Section 22.07 of the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation or Suspension of Permits, 40 C.F.R. Part 22, respectfully moves for an extension of time within which to file its Answer to the Amended Complaint in this matter from July 20, 2013 to August 23, 2013.

The basis for this request is that the parties have been working on a resolution of this matter and are in the process of finalizing a consent agreement which would alleviate the necessity of filing said Answer.

Counsel for Respondent has contacted EPA counsel concerning this request and has been advised that EPA counsel has no objection to this Motion.

Respectfully submitted this 25th day of July, 2013.

DATSOPOULOS, MacDONALD & LIND, P.C.

By: 
Rebecca L. Summerville

CERTIFICATE OF SERVICE

I, the undersigned, an employee of Datsopoulos, MacDonald & Lind, P.C., hereby certify that a true and correct copy of the foregoing document was mailed, postage prepaid, this 25 day of July, 2013 to the following:

Charles L. Figur (*Regular Mail and Email*)
Senior Enforcement Attorney
U.S. EPA Region 8 (8ENF-L)
1595 Wynkoop Street
Denver, CO 80202-1129

And, pursuant to the Order of Designation in this matter dated May 7, 2013, the original and one copy of the foregoing was mailed to:

Sybil Anderson (*Federal Express mailing*)
Headquarters Hearing Clerk
Office of the Administrative Law Judges
Mail Code 1900R
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

And pursuant to the Prehearing Order of the Presiding Officer in this matter dated May 17, 2013, an electronic copy of the executed original of the foregoing document was emailed to the Office of the Administration Law Judges at oadfiling@epa.gov, and sent by regular mail.

By:

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Rebecca L. Summerville
Datsopoulos, MacDonald & Lind, P.C.
201 West Main - Central Square Bldg.
Missoula, MT 59802
Phone: (406) 728-0810
Email: rsummerville@dmlaw.com
Attorneys for Nelcon, Inc.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

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| |) | |
| Respondent. |) | |
| _____ |) | |

PROPOSED
ORDER GRANTING EXTENSION OF TIME
FILE ANSWER TO AMENDED COMPLAINT

Having considered Respondent's Unopposed Motion for Extension of Time to File its Answer to the Amended Complaint, and good cause shown,

IT IS HEREBY ORDERED THAT Respondent shall have until August 23, 2013 to files its Answer.

Susan L. Biro
Chief Administrative Law Judge