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Gregory L. Benik, Esq.  
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REGISTRY  
CLERK OF  
SUPERIOR COURT

August 24, 2010

BY FIRST CLASS MAIL

Wanda I. Santiago, Regional Hearing Clerk  
EPA Region 1 - New England  
5 Post Office Square, Suite 100 (ORA 18-1)  
Boston, MA 02109-3912

Re: *In Re: Promet Marine Services Corp.*, Docket Nos. CWA-01-2010-0033, CAA-01-2010-0034  
Joint Motion for Extension of Time

Dear Ms. Santiago:

Please find enclosed the original and one copy of a Joint Motion for Extension of Time for filing before Administrative Law Judge Spencer T. Nissen, the third-party neutral assigned to assist the parties with the ongoing ADR process in the above-entitled case. Also enclosed is the original and one copy of a certificate of service documenting that, on this date, a copy of the Joint Motion was mailed to Complainant's attorney, Mr. Hugh W. Martinez, in the manner indicated.

Thank you for your assistance in this matter.

Sincerely,



Gregory L. Benik

Enclosures

cc: Honorable Spencer T. Nissen, ADR Judge  
Hugh W. Martinez, Counsel for EPA

**U.S. ENVIRONMENTAL PROTECTION AGENCY  
REGION 1 (NEW ENGLAND)**

In the Matter of: )  
)  
)  
Promet Marine Services Corporation, )  
)  
)  
Respondent. )  
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Docket Nos. CWA-01-2010-0033

CAA-01-2010-0034

REGISTRY CLERK

JOINT MOTION FOR EXTENSION OF TIME

Complainant and Respondent (the Parties) hereby jointly request an extension of time in which to pursue the alternative dispute resolution (ADR) process currently underway with Judge Spencer T. Nissen, the third-party neutral assigned by Chief Administrative Law Judge Susan L. Biro to assist the Parties in ADR. Accordingly, with the currently established ADR schedule set to expire on August 30, 2010, the Parties hereby request an extension of thirty (30) days, to September 29, 2010, to give them additional time to pursue the possibility of a mutually-agreeable settlement and, thereby, avoid the substantial time and expense required to litigate this matter.

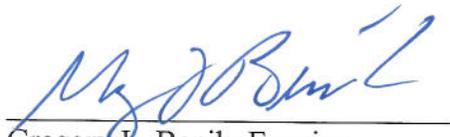
This is the Parties' first request for more time. This Motion is filed with the understanding that, since the initiation of ADR, Complainant and Respondent have made progress toward resolving this case and have engaged in discussion and a vigorous exchange of information that could lead to a settlement. It is the Parties' current expectation that, with additional time for further engagement and discussion in the context of the ADR process, additional progress will be made toward reaching a final resolution of the case through settlement. Furthermore, with Respondent's proposal for incorporating a possible supplemental environmental project (SEP) as part of a settlement of this case, and the accompanying need for

EPA to fully evaluate the SEP based on information submitted by Promet to support it, there is further justification for this request for time.

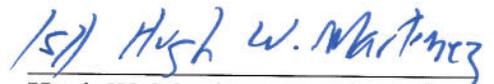
The Parties have worked diligently during the initial ADR period to focus on the particular issues presented by this case. To the extent further time will permit Complainant and Respondent to achieve additional progress toward settlement and, quite possibly, avoid the considerable expenditures required in litigation, we respectfully request that you grant this Motion for Extension of Time.

Respectfully Submitted,

Counsel for Respondent:

  
\_\_\_\_\_  
Gregory L. Benik, Esquire  
Benik & Associates, P.C.  
Warwick, RI  
Tel: 401-454-0054

Counsel for Complainant:

  
\_\_\_\_\_  
Hugh W. Martinez, Esquire  
U.S. EPA Region 1 – New England  
Boston, MA  
Tel: 617-918-1867

*In re: Promet Marine Services Corp.*  
Docket Nos. CWA-01-2010-0033, CAA-01-2010-0034

**CERTIFICATE OF SERVICE**

I, Gregory L. Benik, hereby certify that on this 24<sup>th</sup> day of August 2010, I caused the foregoing Joint Motion for Extension of Time to be served on the following persons in the manner indicated:

**Original and One Copy, By First Class Mail**

Wanda I. Santiago, Regional Hearing Clerk  
U.S. EPA, Region 1  
5 Post Office Square, Suite 100 (ORA 18-1)  
Boston, MA 02109-3912

**One Copy, By Fax [202-565-0044] and First Class Mail**

The Honorable Spencer T. Nissen, Administrative Law Judge  
Office of the Administrative Law Judges  
U.S. Environmental Protection Agency  
Mail Code 1900L  
1200 Pennsylvania Avenue, N.W.  
Washington, D.C. 20460

**One Copy, Electronically and By First Class Mail**

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