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2011 OCT 13 AM 11:47

U.S. ENVIRONMENTAL PROTECTION AGENCY
REGIONAL HEARING CLERK

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX

In re:

KILAUEA CRUSHERS, INC.

Respondent.

)
)
) U.S. EPA Docket No.
) CAA-09-2011-0004
)
)
)
)

ORDER GRANTING MOTION
TO EXTEND TIME TO RESPOND TO COMPLAINT

By motion filed October 12, 2011, the Complainant seeks a 60-day extension of time to file an answer to the above-entitled administrative complaint to December 20, 2011.

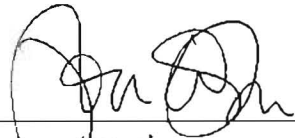
Section 22.7(b) of the Consolidated Rules of Practice, 40 C.F.R. § 22.7(b), provides that a motion for extension of time may be granted "for good cause shown, and after consideration of prejudice to other parties."

On the basis of the Complainant's motion, including the Complainant's representation that the parties are involved in settlement discussions and that the Respondent does not oppose this motion, it appears that there is good cause for an extension of time, and there will be no prejudice to any party from granting the requested extension.

IT IS THEREFORE ORDERED THAT:

The time for Respondent to answer the Complaint and request a hearing is extended to December 30, 2011.

Dated: 10.13.11



Jo Ann Asami
Regional Judicial Officer

CERTIFICATE OF SERVICE

I certify that the original of the fully executed Order Granting Motion to Extend Time to Respond to Complaint against Kilauea Crushers, Inc. (**Docket #: CAA-09-2011-0004**) was filed with the Regional Hearing Clerk, U.S. EPA, Region IX, 75 Hawthorne Street, San Francisco, CA 94105, and that a true and correct copy of the same was sent to the following parties:

A copy was mailed via CERTIFIED MAIL to:

C. William Nichols
Kilauea Crushers, Inc.
21940 N. 75th Avenue
Peoria, AZ 85383

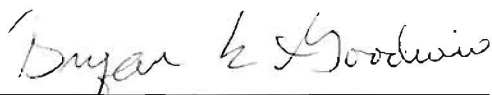
CERTIFIED MAIL NUMBER: 7010-1060-0002-0242-7853

An additional copy was mailed via FIRST-CLASS MAIL to:

Patrick J. Paul, Esq.
Snell & Wilmer, LLP
One Arizona Center
400 East Van Buren Street, Ste. 1900
Phoenix, AZ 85004-2202

And additional copy was hand-delivered to the following U.S. EPA case attorney:

David Kim, Esq.
Office of Regional Counsel
U.S. EPA, Region IX
75 Hawthorne Street
San Francisco, CA 94105



Bryan K. Goodwin
Regional Hearing Clerk
U.S. EPA, Region IX

10/14/11
Date