



December 13, 2017

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Via Overnight Mail
Karen Maples
Regional Hearing Clerk
U.S. Environmental Protection Agency, Region II
290 Broadway, Mail Code 16th Floor
New York, NY 10007-1866

Re: In the matter of Kerry Biofunctional Ingredients, Inc. d/b/a Kerry bio Sciences
Docket No. RCRA-02-2017-7108

Dear Ms. Maples:

Enclosed please find an original and one copy of the second stipulated request for extension of Kerry Biofunctional Ingredients, Inc.'s deadline to answer EPA's complaint, which was served on EPA and Judge Ferrara via email on December 13, 2017.

Very truly yours,

Steven J. Poplawski

SJP:kmb

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION II

2017 OCT 24 PM 7:10

IN THE MATTER OF: :
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Kerry Biofunctional Ingredients, :
 Inc. d/b/a :
Kerry Bio Sciences, :
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Respondent :
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Docket No. RCRA-02-2017-7108

Bryan Cave represents Kerry Biofunctional Ingredients, Inc. d/b/a Kerry Bio Sciences (“Kerry”) in the above-referenced matter. For the reasons set forth below, Kerry respectfully requests an extension of time to answer the Complaint, Compliance Order and Notice of Opportunity for Hearing (the “Complaint”) and request a hearing in the above-referenced matter:

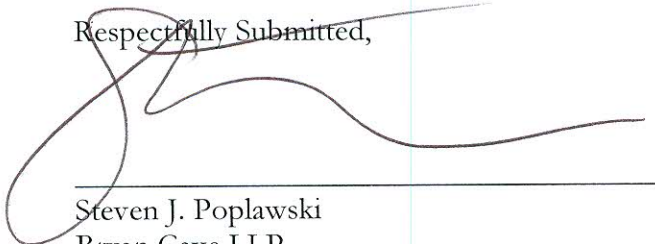
1. Kerry was served with the Complaint on September 29, 2017.
2. On October 25, 2017, Kerry served counsel for EPA, Gary Nurkin, with a request for an informal conference with the Agency.
3. On November 14, 2017, Kerry and EPA held an informal settlement conference at EPA Region II during which Kerry presented EPA with a proposal for resolving the matter (the “Kerry Proposal”).
4. EPA is still evaluating its response to the Kerry Proposal (the “EPA Response”) and has not yet been able to finalize the EPA Response for transmittal to Kerry.

5. Currently, pursuant to the Regional Judicial Officer's October 31, 2017 Order, an answer is due December 15, 2017.

6. In light of the fact that the parties are still working in good faith to achieve settlement but are unlikely to do so before December 15, 2017, undersigned counsel contacted EPA counsel who has, via a December 11, 2017 email, stated that he would not object to Kerry receiving an additional extension until the end of January 2018 in which to answer or otherwise respond to the complaint in this matter.

WHEREFORE, Kerry respectfully requests that Your Honor enter an order granting Kerry an extension of time to answer and/or request a hearing until January 31, 2018.

Respectfully Submitted,



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ATTORNEYS FOR
KERRY BIOFUNCTIONAL
INGREDIENTS, INC.
d/b/a KERRY BIO SCIENCES

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true copy of the above was served on Plaintiff's
Counsel by U.S. Mail and email at the following address:

Gary Nurkin
U.S. EPA, Region 2
290 Broadway
Mail Code: 16th FL
New York, NY 10007-1866

Respectfully Submitted,



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