

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 1

In the Matter of:)
))
TANNER INDUSTRIES, INC.))
))
))
Respondent.))
_____)

Docket No. CAA-01-2010-0061

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Office of Regional Counsel

MOTION FOR EXTENSION OF TIME TO FILE ANSWER

Pursuant to 40 C.F.R. §22.16, Respondent, Tanner Industries, Inc. (“Tanner”), requests that the Presiding Officer grant a thirty (30) day extension of time for Respondent to file an Answer in this proceeding.

Respondent received the Complaint on September 22, 2010. An extension of time to file an answer was granted until February 21, 2011 by Order dated January 13, 2011.

The parties have made progress towards a possible settlement during a meeting that occurred on Friday, October 15, 2010 and in subsequent telephone conversations. The parties have decided to continue their settlement discussions and Tanner has provided additional information to EPA for evaluation in the context of a proposed settlement of the matter. On February 15, 2011, Gregory Dain, EPA Region 1 legal counsel in this proceeding, stated via electronic mail that EPA would not oppose this motion.

Accordingly, Respondent believes that the parties’ resources would best be spent at this time on settlement negotiations rather than on preparation of an Answer to the Complaint.

Respondent therefore respectfully requests that the Presiding Officer grant this motion for a thirty

(30) day extension of time, from February 21, 2011 up through and including March 23, 2011 for Respondent to file its Answer.

Respectfully submitted,

Dated: 2-15-11



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CERTIFICATE OF SERVICE

I hereby certify that the foregoing Motion for Extension of Time to File an Answer was delivered in the following manner to the addressees listed below:

**Original and One Copy by
Overnight Mail:**

Wanda Santiago
Regional Hearing Clerk
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**One copy by First Class Mail
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Date Sent: 2-15-11

Signed: *Carl McCabe*