

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION II

IN THE MATTER OF:

Docket No. RCRA-02-2017-7108

**Kerry Biofunctional Ingredients,
Inc. d/b/a
Kerry Bio Sciences,**

Respondent

THIRD UNOPPOSED REQUEST FOR EXTENSION

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. The Parties having reached an agreement in principle in late December 2017, on January 16, 2018, EPA sent Kerry a draft Consent Agreement and Final Order (CAFO) for Kerry’s

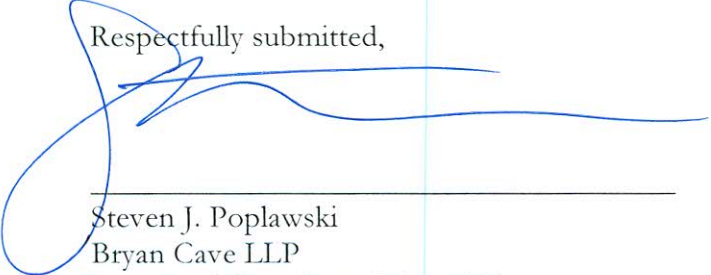
review and comment. Kerry is still in the process of completing its review of the draft CAFO.

5. Currently, pursuant to the Regional Judicial Officer's December 13, 2017 Order, an answer is due January 31, 2018.

6. In light of the fact that the Parties are still working in good faith to finalize the CAFO but are unlikely to do so before January 31, 2018, undersigned counsel contacted EPA counsel who has stated that he would not object to Kerry receiving an additional extension until the end of March 31, 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 March 31, 2018.

Respectfully submitted,



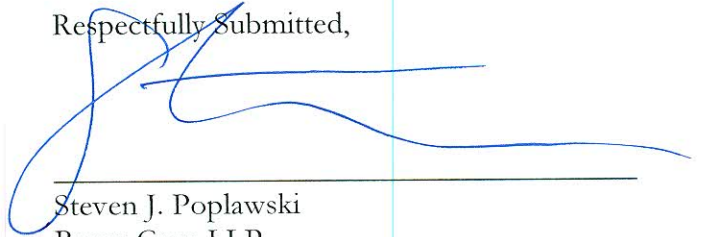
Steven J. Poplawski
Bryan Cave LLP
211 North Broadway, Suite 3600
St. Louis, MO 63102
(314) 259-2000
ATTORNEYS FOR
KERRY BIOFUNCTIONAL
INGREDIENTS, INC.
d/b/a KERRY BIO SCIENCES

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on January 29, 2018, 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,



Steven J. Poplawski
Bryan Cave LLP
211 North Broadway, Suite 3600
St. Louis, MO 63102
(314) 259-2000
ATTORNEYS FOR
KERRY BIOFUNCTIONAL
INGREDIENTS, INC.
d/b/a KERRY BIO SCIENCES