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Office of Regional Hearing Clerk

In the Matter of: )

SOUTHERN MAINE )  
SPECIALTIES, INC. )  
64 Industrial Park Road )  
Saco, Maine 04072 )

Respondent. )

EPA ID No. ME5000001271 )

Proceeding under Section 3008(a) of the )  
Resource Conservation and Recovery Act, )  
42 U.S.C. § 6928(a) )

EPA DOCKET NO.  
RCRA-01-2010-0052

**NOTICE OF APPEARANCE  
AND ASSENTED TO  
MOTION FOR EXTENSION  
OF TIME TO ANSWER**

1. Pierce Atwood LLP will represent Southern Maine Specialties, Inc. ("SMS" or the "Respondent") in this proceeding, and files this Notice of Appearance on behalf of Respondent.

2. The attorney at Pierce Atwood LLP authorized to receive service for Respondent is:

Kenneth F. Gray, Esq.  
Pierce Atwood LLP  
One Monument Square  
Portland, ME 04101  
Telephone: 207-791-1212  
Fax: 207-791-1350  
Email: [kgray@pierceatwood.com](mailto:kgray@pierceatwood.com)

3. Respondent received the Complaint in the above-captioned matter on September 22, 2010. In accord with 40 C.F.R. § 22.15(a), Respondent must file an

Answer to said Complaint within 30 days after service of the Complaint, which date is October 22, 2010.

5. Respondent hereby requests a thirty (30) day extension from October 22, 2010 to submit an Answer, but since the thirtieth day falls on Sunday, November 21, 2010 (a non-business day), Respondent requests an extension to submit the answer on Monday, November 22, 2010. The reasons for this request are:

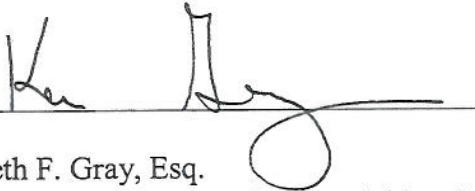
- a. The undersigned law firm was retained to address this matter on October 8, 2010, and counsel, Respondent, and Respondent's consultant must together review the facts and consider how this matter may be defended or settled;
- b. Respondent and its counsel have requested an informal settlement conference with EPA to explore settlement. Counsel for Respondent has discussed setting possible dates for an informal settlement conference with counsel for EPA, but it is not possible to meet before an answer is due, as a result of EPA's scheduling conflicts.
- c. Respondent's counsel has requested information from EPA to determine how the economic benefit portion of the requested penalty was calculated and Respondent's consultant has requested a copy of the EPA inspector's notes from the January 20, 2010 inspection. Respondent has not yet received that requested information;
- d. The Complaint includes requests to Respondent to supply two confirmations of compliance within sixty (60) and sixty-five (65) days of

receipt of the Complaint. Those requests may require efforts by Respondent before an Answer can be prepared;

- e. It is possible that the allegations in the Complaint may be the subject of a settlement, rendering an Answer and a hearing unnecessary; and
- f. This motion for an extension of time is timely filed, and is filed in advance of the due date, so as to allow the Regional Hearing Officer or his/her designate the reasonable opportunity to issue an order.

5. Respondent and counsel for Respondent have explained these reasons, which provide good cause for the requested extension, to Christine Foot, Enforcement Counsel for EPA in this matter. Counsel for EPA assents to the request for extension and has authorized the undersigned to include her statement of assent in this filing.

6. For these reasons, Respondent and EPA request the Regional Judicial Officer or his/her designate to order that the time to file an Answer to the Complaint is extended to November 22, 2010.



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10/15/2010  
Date