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August 21, 2013

Sent via Federal Express

Sybil Anderson
Headquarters Hearing Clerk
Office of the Administrative Law Judges
U.S. Environmental Protection Agency
Ronald Reagan Building, Room M1200
1300 Pennsylvania Avenue, N.W.
Washington, DC 20004

Re: *Nelcon, Inc.* – CWA-08-2012-0025

Dear Ms. Anderson:

Enclosed please find for filing Respondent Nelcon, Inc.'s Unopposed Motion for Extension of Time Regarding Deadlines with regard to the above matter.

Thank you.

Very truly yours,

DATSOPOULOS, MacDONALD & LIND, P.C.

Rebecca L. Summerville

RLS/dm

Enclosures: As stated

cc: The Honorable Susan L. Biro, Chief Administrative Law Judge
Charles L. Figur, Senior Enforcement Attorney

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FBI/DOJ

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Docket CWA-08-2012-0025

IN THE MATTER OF:)	
)	
Nelcon, Inc.)	UNOPPOSED MOTION FOR
304 Jellison Road)	EXTENSION OF TIME
Kalispell, MT 59903)	REGARDING DEADLINES
)	
)	
Respondent.)	
_____)	

COMES NOW Nelcon, Inc. by and through its counsel, Datsopoulos, MacDonald & Lind, P.C., and pursuant to Section 22.07 of the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation or Suspension of Permits, 40 C.F.R. Part 22, respectfully moves for an order extending by 2 weeks the deadlines contained in EPA's Amended Prehearing Order dated August 2, 2013; and extending the deadline for Respondent's answer to the Amended Complaint to September 6, 2013.

The basis for this request is that the Parties are evaluating additional information concerning the site which is germane to their resolution and consent agreement. Due to summer schedules and calendar conflicts Respondent respectfully requests an order extending deadlines to allow the Parties time to review the information and to continue work on a consent agreement to resolve this matter.

Counsel for Respondent has contacted EPA counsel concerning this request and has been advised that EPA counsel does not object to this Motion.

Respectfully submitted this 21st day of August, 2013.

DATSOPOULOS, MacDONALD & LIND, P.C.

By: 
Rebecca L. Summerville
Attorney for Nelcon, Inc.

CERTIFICATE OF SERVICE

I, the undersigned, an employee of Datsopoulos, MacDonald & Lind, P.C., hereby certify that a true and correct copy of the foregoing document was emailed and sent regular mail, postage prepaid, this 21st day of August, 2013 to the following:

Charles L. Figur *(Regular Mail and Email)*
Senior Enforcement Attorney
U.S. EPA Region 8 (ENF-L)
1595 Wynkoop Street
Denver, CO 80202-1129

And, pursuant to the Order of Designation in this matter dated May 7, 2013, the original and one copy of the foregoing was sent via Federal Express to:

Sybil Anderson, Headquarters Hearing Clerk
Office of the Administrative Law Judges
U.S. Environmental Protection Agency
Ronald Reagan Building, Room M1200
1300 Pennsylvania Avenue, N.W.
Washington, DC 20004

And pursuant to the Prehearing Order (dated May 17, 2013) and the Amended Prehearing Order (dated August 2, 2013) in this matter, an electronic copy of the executed original of the foregoing document was emailed to the Office of the Administrative Law Judges at oadjfilings@epa.gov, and sent by regular mail as follows:

The Honorable Susan L. Biro, Chief Administrative Law Judge
Office of Administrative Law Judge
U.S. Environmental Protection Agency
1200 Pennsylvania Ave., NW
Mail Code 1900R
Washington, DC 20460

By: _____

Dawn Maack