

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 8

Docket No. CAA-08-2008-0016

2008 JUN -5 PM 1:15
EPA REGION VIII
HEARING CLERK

IN THE MATTER OF:)
)
Wasatch Metal Recycling)
401 West 900 South)
Salt Lake City, UT 84101)
)
Respondent.)
)

**JOINT MOTION FOR
EXTENSION OF TIME FOR
RESPONDENT TO FILE ITS
ANSWER**

COMES NOW the Complainant, United States Environmental Protection Agency Region 8 (“EPA”), by and through its attorney, Dana J. Stotsky, who moves the Presiding Officer to grant the Respondent an extension of time of 30 days in addition to the 30-day period provided by the Consolidated Rules of Practice (“CROP”) to file its answer. 40 C.F.R. section 22.15(a).

As grounds therefore, the parties assert the following:

GROUND FOR MOTION

This motion is made pursuant to 40 C.F.R. section 22.7(b) and 40 C.F.R. section 22.16 of the CROP. Under CROP, a motion must be in writing, state the grounds for the motion with particularity, set forth the relief or order sought, and be accompanied by any evidence or legal memorandum relied upon. Also, as provided for by rule, the Presiding Officer may grant an extension of time for filing any document upon timely motion of a party to the proceeding, for good cause shown, and after consideration of prejudice to other parties, or upon its own initiative. Any motion for an extension of time shall be filed sufficiently in advance of the due date so as to allow other parties reasonable opportunity to respond and to allow the Presiding Officer reasonable opportunity to issue an order. 40 C.F.R. section 22.7(b).

The parties hereto met by phone on June 3, 2008, to explore logistical matters (attorney schedules and availability) and the possibility of reaching an amicable settlement of the issues contained in the complaint filed herein in the next few weeks. The outcome of this meeting was very positive. The undersigned stated that he would prepare this motion for the benefit of both parties in light of the above. Respondent requests a 30-day extension of time to file its Answer. This is the first such request made in this matter. This request is a joint request. The parties anticipate meeting shortly to negotiate a resolution of all or portions of the allegations contained in the complaint.

United States Environmental Protection
Agency, Region 8



Date: June 5, 2008

By: _____

Dana J. Stotsky, Senior Enforcement
Attorney
Legal Enforcement Program
U.S. EPA Region 8
1595 Wynkoop Street
Mail Code: 8ENF-L
Denver, Colorado 80202-1146
Colorado Bar # 14717
Phone: (303)-312-6905
FAX: (303) 312-6953
stotsky.dana@epa.gov

CERTIFICATE OF SERVICE

The undersigned hereby certifies that the original and one copy of the JOINT MOTION FOR EXTENSION OF TIME FOR RESPONDENT TO FILE ITS ANSWER, was hand-carried to the Regional Hearing Clerk, EPA Region 8, 1595 Wynkoop Street; Denver, Colorado 80202-1129, and that a true copy of the same was sent as a PDF electronic file via e-mail to the attorney representing the Respondent in this matter at the following address:

"Banks, Martin K." MKBANKS@stoel.com

and that a true copy of the same was sent via U.S. Postal Service, postage prepaid, to

Martin K. Banks, Esq.
201 South Main Street, Suite 1100
Salt Lake City, UT 84111



Date: June 5, 2008

By: _____