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**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 9**

IN THE MATTER OF)	
)	
)	DOCKET NO. UIC-09-2022-0058
)	
NSHE HI Narcissus, LLC)	MOTION FOR EXTENSION OF
)	TIME
)	
Respondent.)	
_____)	

I. INTRODUCTION

On December 6, 2022, the Presiding Officer issued a Prehearing Order (“Order”) in the above-referenced matter. The Order sets December 21, 2022 as the date to complete the

Prehearing Exchange and December 29, 2022 as the date for a Prehearing Conference. Pursuant to 40 C.F.R. § 22.16, EPA anticipates filing a motion for accelerated decision in January 2023 on liability only.

II. MOTION FOR AN EXTENSION OF TIME UNTIL RESOLUTION OF MOTION FOR ACCELERATED DECISION

Under 40 C.F.R. § 22.7(b), the Presiding Officer may grant an extension of time for filing any document upon its own initiative or “upon timely motion of a party to the proceeding, for good cause shown, and after consideration of prejudice to other parties.” Complainant conferred with counsel for Respondent and now moves the Presiding Officer to reschedule the Prehearing Exchange from December 21, 2022 until after the Presiding Officer has issued an order on the motion for accelerated judgment OR March 9, 2023, at the Presiding Officer’s discretion.

Complainant also requests that the Presiding Officer reschedule the Prehearing Conference from December 29, 2022 until one week after the Prehearing Exchange has been completed OR March 16, 2023, at the Presiding Officer’s discretion.

Complainant submits this motion and request to avoid unnecessary expenditure of costs and resources for both Parties collecting and filing Prehearing Exchanges and preparing for a hearing. The scope of the Prehearing Exchange and Prehearing Conference could potentially be narrowed if issues relating to legal liability were resolved by an accelerated decision. The narrowed scope would save the Parties, and the Presiding Officer, the time and effort associated with drafting, collecting, and reviewing numerous documents, such as declarations and exhibits. If the Presiding Officer denies the motion for accelerated judgment the Parties will proceed with a Prehearing Exchange on liability and penalty according to the schedule proposed above and no Party will be prejudiced.

III. CONCLUSION

For the reasons laid out above, Complainant respectfully moves the Presiding Officer to extend the date for completion of the Prehearing Exchange and requests that the Presiding Officer reschedule the Prehearing Conference until after resolution of EPA's motion for accelerated decision.

Respectfully submitted,

**Wells,
Kimberly**

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Wells, Kimberly
Date: 2022.12.09
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Kimberly Wells
Assistant Regional Counsel
Office of Regional Counsel, EPA 9

Certificate of Service

The undersigned certifies that on the date indicated below this Motion for an Extension of Time was served upon the Respondent's attorney, who has consented in writing to electronic service pursuant to 40 C.F.R. § 22.5(b)(2).

One copy via electronic mail to:

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Dated: December 9, 2022

Wells,
Kimberly



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Kimberly Wells
Assistant Regional Counsel
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