

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION I**

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In the Matter of:	:	Docket No. TSCA-01-2017-0037
	:	
5 MF HOLDING, L.L.C.	:	Proceeding under Section 16(a) of the
110 Byfield St.	:	Toxic Substances Control Act,
Warwick, RI 02888	:	15 U.S.C. § 2615(a)
	:	
Respondent	:	<b>ASSENTED-TO MOTION FOR</b>
	:	<b>EXTENSION OF TIME IN</b>
	:	<b>WHICH TO ANSWER</b>
	:	<b>ADMINISTRATIVE</b>
	:	<b>COMPLAINT</b>

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**I. NEED FOR AN EXTENSION**

On March 7, 2017, 5MF Holding, LLC (“5MF” or “Respondent”) was served with an Administrative Complaint and Notice of Opportunity for Hearing in the above-captioned matter. One day earlier, on March 6, 2017, Respondent’s undersigned counsel was notified by counsel for the EPA, Kathleen Woodward, Esq. (“Attorney Woodward”), that the EPA had filed the Administrative Complaint against 5MF and was given a courtesy copy thereof *via* e-mail by Ms. Woodward. 5MF officially engaged counsel with respect to the Administrative Complaint on March 31, 2017, and, through its principal, Mr. Michael Drummond, has authorized its counsel to pursue settlement negotiations in good faith with Attorney Woodward in connection with the Administrative Complaint.

To that end, Respondent’s counsel and its principal have agreed to meet with Attorney Woodward in person at the EPA Region I Field Office in Boston, Massachusetts on Friday, April 7, 2017, in order to begin discussions as to the possibility of settlement of the above-captioned matter. 5MF hereby respectfully requests a Sixty (60) Day extension of time, that is, up to and including **June 4, 2017**, within which to file its Answer to the EPA’s Administrative Complaint. This extension of time is necessary in order to allow counsel for Respondent and counsel for the EPA to pursue settlement of the within matter without expending undue litigation costs and

attorneys' fees, as the preparation and filing of an Answer will be unnecessary to the extent that the parties are able to reach a settlement.

Counsel for Respondent has conferred with Attorney Woodward, who has assented to Respondent's request for a sixty-day extension of time.

## **II. AUTHORITY TO GRANT EXTENSION**

Pursuant to 40 C.F.R. § 22.7(b), the Presiding Officer may grant the requested extension "upon timely motion of a party...for good cause shown, and after consideration of prejudice to other parties." Respondent has addressed the cause for the requested extension above and avers that the ability of the parties to pursue settlement negotiations in good faith without the additional expenditures of time and costs is sufficient "good cause." With respect to timeliness, the within Motion is made prior to the expiration of the original time within which 5MF was allotted to file its Answer to the Administrative Complaint and within one business day of 5MF having engaged its undersigned counsel with respect to the Administrative Complaint. Finally, with respect to prejudice to other parties, Attorney Woodward has assented to the within Motion on behalf of the EPA, and the EPA would not be prejudiced if the requested extension was granted.

## **III. REQUEST FOR EXTENSION**

For all the foregoing reasons, Respondent respectfully requests that the Presiding Officer grant the within Assented-To Motion and allow Respondent a Sixty (60) day extension of time, to **June 4, 2017**, within which to file its Answer to the Administrative Complaint.

Respectfully Submitted,  
5MF Holding, LLC,  
By and through its counsel,

/s/ Robert A. D'Alfonso, III, Esq.  
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Dated: April 3, 2017

**CERTIFICATE OF SERVICE**

I, the undersigned, hereby certify that a true and accurate copy of the foregoing ASSENTED-TO MOTION FOR EXTENSION OF TIME IN WHICH TO ANSWER ADMINISTRATIVE COMPLAINT was served upon the following persons in the manner indicated:

*via* electronic mail (pursuant to Standing Order Authorizing Filing and Service By E-Mail):

Ms. Wanda Santiago  
Regional Hearing Clerk  
U.S. Environmental Protection Agency – Region 1  
5 Post Office Square, Suite 100  
Boston, MA 02109-3912  
[R1\\_Hearing\\_Clerk\\_Filings@epa.gov](mailto:R1_Hearing_Clerk_Filings@epa.gov)

copy via electronic mail:

Kathleen Woodward, Esq., Counsel for EPA  
[Woodward.Kathleen@epa.gov](mailto:Woodward.Kathleen@epa.gov)

Counsel for Respondent 5MF Holding, LLC

/s/ Robert A. D'Alfonso, III, Esq.  
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Dated: April 3, 2017