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EPA--REGION 10

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2 Robinson & Associates
3 35401 Kenai Spur Highway
4 Soldotna, Alaska
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6 UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

7 REGION 10

8 In the matter of)
9 DOUG BLOSSOM) Docket No. CWA-10-2002-0131
10 Respondent.)
_____)

11 MOTION FOR LEAVE TO FILE LATE MOTION FOR SITE VIEW

12 COMES NOW Respondent, Doug Blossom, by and through his
13 attorney, Arthur S. Robinson, of the law firm of Robinson &
14 Associates, and pursuant to Section 22.7(b) and 22.16(a) of the
15 Consolidated Rules of Practice Governing the Administrative
16 Assessment of Civil Penalties, 40 C.F.R. § 22.7 and 22.16, moves
17 for leave to file his Motion for Site View after the time for
18 filing motions pursuant to the Prehearing Order dated November 18,
19 2002.

20 The hearing in this matter was originally set for January
21 6, 2004. Then, upon Respondent's request to continue, the hearing
22 was rescheduled for January 27, 2004. Again, upon motion of
23 Respondent's attorney, the hearing was rescheduled for May 3, 2004.

24 Respondent's motion was not filed earlier because a
25 request to view the site would be useless during the winter when
26 the entire location is under several feet of snow. Even when the
27 hearing was rescheduled for early May, the Respondent did not

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1 believe that enough snow would have melted by then for any viewing
2 to be meaningful. Generally, for this area, the land is not
3 totally clear of snow until late May, early June. Thus, Respondent
4 did not move for a site view of the property expecting that his
5 property could still be covered with snow.

6 It wasn't until late April, as a result of several weeks
7 of unseasonably warm temperatures, that Respondent realized that
8 the snow would melt much sooner than anticipated.

9 For the foregoing reasons, it is respectfully requested
10 that Respondent's Motion for Site View be considered although filed
11 after the prehearing deadline for filing motions.

12 This motion is supported by the accompanying affidavit.

13 ROBINSON & ASSOCIATES
14 Attorneys for Doug Blossom

15 By: Arthur S. Robinson 4/28/04
16 Arthur S. Robinson
17 Alaska Bar No. 7405026

18
19 I HEREBY CERTIFY that the foregoing Motion for Leave to File
20 Late Motion for Site View, and attachments, were served on the
21 following persons on April 28, 2004, by fax:

22 Carol Kennedy, Regional Hearing Clerk
23 U. S. Environmental Protection Agency, Region 10
1200 Sixth Avenue, Mail Stop ORC-158
Seattle, Washington 98101

24 The Honorable Susan L. Biro
25 Chief Administrative Law Judge
26 Office of Administrative Law Judges
U. S. Environmental Protection Agency
Mail Code 1900L
27 1200 Pennsylvania Avenue N.W.
Washington, D.C. 20460

28 Arthur S. Robinson
Eric Derleth

Docket No. CWA-10-2002-0131
Motion for Leave to File late Motion

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Jeffrey Kopf, Esq.
U.S.E.P.A. Region 1 Mail Code SEL
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By: *Bonnie Burger*
For: Arthur S. Robinson

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