



**UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
BEFORE THE ADMINISTRATOR**

RECEIVED BY OALJ
2013 AUG 22 PM 3:26

In the Matter of:)	
)	
Nelcon, Inc.,)	Docket No. CWA-08-2012-0025
)	
Respondent)	

**ORDER GRANTING UNOPPOSED MOTION FOR EXTENSION OF TIME
REGARDING DEADLINES**

On August 22, 2013, Respondent filed an Unopposed Motion For Extension Of Time Regarding Deadlines (“Motion”). Respondent requests a two week extension of all deadlines in the Amended Prehearing Order as well as an extension until September 6, 2013, for the deadline to file an answer to the amended complaint. The stated basis for Respondent’s latest extension request is that “the [p]arties are evaluating additional information concerning the site which is germane to their resolution and consent agreement,” but need additional time “[d]ue to summer schedules and calendar conflicts.” Mot. at 1. Moreover, Respondent states that opposing counsel was contacted and does not object to this Motion. Mot. at 2.

Throughout this proceeding to date, the parties have maintained that they have reached agreement on a settlement in principle and are working to finalize a Consent Agreement. The requested extensions are unopposed and of short duration. Therefore, for good cause shown in accordance with 40 C.F.R. § 22.7(b), the Motion is hereby **GRANTED**.

Accordingly, if necessary, Respondent shall file its Answer to the Amended Complaint by **September 6, 2013**. The parties shall file a fully executed Consent Agreement and Final Order by **September 13, 2013**. Further, if necessary, the parties shall file prehearing exchanges *in seriatim*, pursuant to the following schedule:

- | | |
|---------------------------|--|
| September 13, 2013 | Complainant’s Initial Prehearing Exchange |
| October 4, 2013 | Respondent’s Prehearing Exchange |
| October 18, 2013 | Complainant’s Rebuttal Prehearing Exchange |

SO ORDERED.




Susan L. Biro
Chief Administrative Law Judge

Dated: August 22, 2013
Washington, D.C.

**In the Matter of *Nelcon, Inc.*, Respondent.
Docket No. CWA-08-2012-0025**

CERTIFICATE OF SERVICE

I hereby certify that true copies of this **Order Granting Unopposed Motion for Extension of Time Regarding Deadlines**, issued by Susan L. Biro, Chief Administrative Law Judge, in Docket No. CWA-08-2012-0025, were sent to the following parties on this 22nd of August 2013, in the manner indicated:



Mary Angeles
Legal Staff Assistant

Original and One by Hand Delivery to:

Sybil Anderson
Headquarters Hearing Clerk
U.S. EPA / Office of Administrative Law Judges
Mail Code 1900R
1200 Pennsylvania Ave., NW
Washington, DC 20460

Copy by Electronic and Regular Mail to:

Charles Figur, Esq.
Enforcement Attorney
U.S. EPA , Mail Code 8ENF-L
1595 Wynkoop Street
Denver, CO 80202-1129
Email: figur.charles@epa.gov

Copy by Electronic and Regular Mail to:

Rebecca L. Summerville, Esq.
Datsopoulos, MacDonald & Lind, P.C.
Central Square Building
201 W. Main Street, Suite 201
Missoula, MT 59802
Email: rsummerville@dmlaw.com

**Dated: August 22, 2013
Washington, DC**