

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 1**

In the Matter of:)
)
PropSys Management Company)
55 Lisbon Street)
Suite 2100)
Lewiston, Maine 04240)
)
Respondent.)
)
Proceeding under Section 16(a) of the)
Toxic Substances Control Act)
42 U.S.C. § 2615(a))
)
_____)

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Docket No.
TSCA-01-2009-0101

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REGIONAL HEARING CLERK

**UNOPPOSED MOTION
TO EXTEND TIME
PERIOD IN WHICH TO
FILE ANSWER**

**UNOPPOSED MOTION FOR FURTHER EXTENSION OF TIME FOR FILING
ANSWER**

NOW COMES the Respondent, PropSys Inc., by and through undersigned counsel, and respectfully moves to further extend the time period in which to file its Answer in the above-captioned matter, for an additional 30-days, and in support says as follows:

1. On or about September 28, 2009, the Respondent was served with a Complaint alleging violations of the Residential Lead-Based Paint Hazard Reduction Act of 1992, 42 U.S.C. § 4851, federal regulations promulgated thereunder, and Section 409 of the Toxic Substances Control Act, 15 U.S.C. § 2689, and seeking civil penalties. The Complaint and related correspondence invited the Respondent to confer informally with the Complainant in order to explore the possibility of settlement.

2. Accordingly, Respondent initiated a request to engage in informal settlement discussions. The parties met on November 12, 2009 and conducted a

settlement conference at which productive discussions were held, exploring potential ways in which this matter can be resolved by agreement and without the need for a hearing. Upon the Respondent's motion, which was unopposed by the Complainant, the time period for the Respondent to file an answer was extended until December 30, 2009


3. The Respondent has since made additional submissions to enforcement counsel in furtherance of settlement negotiations, and discussions between the parties regarding potential settlement remain ongoing. This process has been complicated somewhat by the occurrence of the Thanksgiving and winter holiday(s), and also by the fact that EPA Region 1 currently is in the process of moving from one office space to another. The parties continue to agree that additional time is needed to fully explore and execute a potential resolution of the matter by settlement, that discussions between the parties thus far have been productive, and that such additional time will be productive as well.

4. 40 CFR §22.7(b) authorizes such extensions of time for good cause shown under circumstances such as these.

5. Consequently, the Respondent respectfully requests that the time period in which to file its Answer to the Complaint be further extended for an additional thirty days from the current deadline of December 30, 2009, until January 29, 2010. The Complainant, through Enforcement Counsel William D. Chin, has been consulted and has indicated that the Complainant **does not oppose** the Respondent's request.

WHEREFORE, the Respondent respectfully requests that the time period for filing its Answer in the above-captioned matter be extended until **January 29, 2010**.

RESPECTFULLY SUBMITTED:
PropSys Inc.,
Respondent.

By: 
Malinda R. Lawrence
Verrill Dana, LLP
One Portland Square
Portland, Maine 04112-0586
(207) 774-4000
mlawrence@verrilldana.com
Counsel for Respondent

12/23/2009
Date

CERTIFICATION OF SERVICE

The undersigned hereby certifies that a copy of the foregoing was served on the following counsel of record for the Complainant, Legal Enforcement Manager of the Office of Environmental Stewardship, U.S. Environmental Protection Agency, Region 1 by U.S. Mail, first class postage pre-paid:

William D. Chin
Enforcement Counsel
U.S. EPA, Region 1
One Congress Street
Suite 1100 (Mail Code: SEL)
Boston, Massachusetts 02114-2023

Date: 12/23/2009


Malinda R. Lawrence
Counsel for Respondent

Verrill Dana^{LLP}

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December 23, 2009

REGIONAL HEARING CLERK

Ms. Judy Lao-Ruiz
Acting Regional Hearing Clerk
U.S. EPA, Region 1
One Congress Street
Suite 1100 (Mail Code: RAA)
Boston, MA 02114-2023

Re: In the Matter of PropSys Management Company
Docket No. TSCA-01-2009-0101

Dear Ms. Lao-Ruiz:

Please find enclosed the Respondent's Unopposed Motion for Extension of Time for Filing Answer, for filing in the above-captioned matter.

Thank you for your kind attention to this matter. Please feel free to call me if you have any questions or concerns.

Sincerely,



Malinda R. Lawrence
Counsel for Respondent, PropSys Inc.

cc: William D. Chin, Enforcement Counsel, U.S. EPA, Region 1
Mr. Lee Griswold, PropSys, Inc.

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