

MANKO | GOLD | KATCHER | FOX LLP

AN ENVIRONMENTAL AND ENERGY LAW PRACTICE

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Admitted in NJ and PA

May 16, 2011

Via Overnight Mail

Wanda Santiago
Regional Hearing Clerk
U.S. Environmental Protection Agency
Region 1
ORA-18-1
Five Post Office Square, Suite 100
Boston, MA 02109

Re: Tanner Industries, Inc.
Motion For Extension Of Time To File Answer
Docket No. CAA-01-2010-0061

Dear Ms. Santiago:

Enclosed please find an original and one copy of Tanner Industries, Inc.'s Motion for Extension of Time to File Answer along with a Certificate of Service. Please contact me at (484) 430-2304, should you have any questions regarding this filing.

Very truly yours,



Carol F. McCabe

For MANKO, GOLD, KATCHER & FOX, LLP

CFM/vc/10571.005

Enclosure

cc: Gregory Dain, Senior Enforcement Counsel



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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 1



In the Matter of:)
)
TANNER INDUSTRIES, INC.)
)
)
)
Respondent.)
_____)

Docket No. CAA-01-2010-0061

MOTION FOR EXTENSION OF TIME TO FILE ANSWER

Pursuant to 40 C.F.R. §22.16, Respondent, Tanner Industries, Inc. (“Tanner”), requests that the Presiding Officer grant a thirty (30) day extension of time for Respondent to file an Answer in this proceeding.

Respondent received the Complaint on September 22, 2010. An extension of time to file an answer was granted until May 23, 2011 by Order dated April 7, 2011.

The parties have made progress towards a possible settlement during a meeting that occurred on Friday, October 15, 2010 and in subsequent telephone conversations. The parties have reached an agreement in principle and are currently finalizing a Consent Agreement and Final Order to settle the matter. Accordingly, the parties do not anticipate that any further extensions of time will be necessary. On May 16, 2011, Gregory Dain, EPA Region 1 legal counsel in this proceeding, stated via email that EPA would not oppose this motion.

Accordingly, Respondent believes that the parties’ resources would best be spent at this time on settlement negotiations rather than on preparation of an Answer to the Complaint.

Respondent therefore respectfully requests that the Presiding Officer grant this motion for a thirty (30) day extension of time, from May 23, 2011 up through and including June 22, 2011 for

Respondent to file its Answer.

Respectfully submitted,

Dated: 5-16-11



Carol F. McCabe
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Attorney for Respondent Tanner Industries, Inc.

CERTIFICATE OF SERVICE

I hereby certify that the foregoing Motion for Extension of Time to File an Answer was delivered in the following manner to the addressees listed below:

**Original and One Copy by
Overnight Mail:**

Wanda Santiago
Regional Hearing Clerk
U.S. Environmental Protection Agency, Region 1
ORA-18-1
Five Post Office Square, Suite 100
Boston, MA 02109

**One copy by First Class Mail
and E-mail**

Gregory Dain, Senior Enforcement Counsel
U.S. Environmental Protection Agency, Region 1
Mail Code OES-04-2
Five Post Office Square, Suite 100
Boston, MA 02109

Date Sent: 5-16-11

Signed: 

