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September 20, 2012

Ronald B. MacDonald [1946-2002]

♦ Also admitted in Washington  
▲ Also admitted in Massachusetts

Tina Artemis  
Regional Hearing Clerk  
U.S. EPA Region 8 (8RC)  
1595 Wynkoop Street  
Denver, CO 80202-1129

Re: Nelcon, Inc. – CWA-08-2012-0025

Dear Ms. Artemis:

Enclosed please find for filing and consideration, the following documents regarding the above matter:

1. Motion for Extension of Time and proposed Order.

Please contact me should you have any questions or concerns regarding the above.

Thank you.

Very truly yours,

DATSOPOULOS, MacDONALD & LIND, P.C.

  
Rebecca L. Summerville

RLS/dm

Enclosures: As stated

cc: Charles L. Figur, Senior Enforcement Attorney

Rebecca L. Summerville  
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2012 SEP 21 PM 3:07

EPA REGION VIII  
FBI/DOJ IN PARK

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8

Docket CWA-08-2012-0025

IN THE MATTER OF:	)	
	)	
Nelcon, Inc.	)	UNOPPOSED MOTION FOR
304 Jellison Road	)	EXTENSION OF TIME
Kalispell, MT 59903	)	
	)	
Respondent.	)	
_____	)	

COMES NOW Nelcon, Inc. by and through its counsel, Datsopoulos, MacDonald & Lind, P.C., and pursuant to Section 22.07 of the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation or Suspension of Permits, 40 C.F.R. Part 22, respectfully moves for an extension of time for the date by which an Answer and Request for Hearing must be filed from September 28, 2012 to October 26, 2012.

The basis for this request is that counsel has recently been retained to represent Respondent and needs the additional time to become familiar with the facts and issues raised by the Administrative Complaint.

Counsel for Respondent has contacted EPA counsel concerning this request and has been advised that EPA counsel has no objection.

Respectfully submitted this 20 day of September, 2012.

DATSOPOULOS, MacDONALD & LIND, P.C.

By:   
Rebecca L. Summerville

**CERTIFICATE OF SERVICE**

I, the undersigned, an employee of Datsopoulos, MacDonald & Lind, P.C., hereby certify that a true and correct copy of the foregoing document was mailed, postage prepaid, this 20<sup>th</sup> day of September, 2012, to the following:

Charles L. Figur  
Senior Enforcement Attorney  
U.S. EPA Region 8 (8ENF-L)  
1595 Wynkoop Street  
Denver, CO 80202-1129

A handwritten signature in cursive script that reads "Dawn Mack". The signature is written in dark ink and is positioned to the right of the recipient's address.