

Wade C. Foster
wade.foster@stoel.com
 Krista K. McIntyre
krista.mcintyre@stoel.com
 STOEL RIVES LLP
 101 S Capitol Boulevard, Suite 1900
 Boise, ID 83702
 Telephone: 208.389.9000
 Facsimile: 208.389.9040

Attorneys for Respondents

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
 REGION X

In the Matter of:

GREASY GREG’S, LLC,
 POSEY’S MECH-ELEC REPAIR LLC,
 &
 GREG S. POSEY,
 Lewiston, Idaho,
 Respondents.

DOCKET NO. CAA-10-2022-0123

**SECOND MOTION FOR EXTENSION
 OF TIME TO FILE ANSWER**

Pursuant to the authority set forth in the Consolidated Rules of Practice, 40 C.F.R. Part 22, Respondents, by and through their undersigned counsel, move the Regional Judicial Officer to grant a 30-day extension of time to respond to the complaint in the above-entitled action to June 10, 2022. Counsel for Respondents conferred with counsel for Complainant via teleconference on May 9, 2022. Counsel for Complainant advised that Complainant does not oppose a 30-day extension of time for Respondents to file an answer.

I. BACKGROUND

On March 15, 2022, Complainant filed a civil administrative action against Respondents in the above-entitled action. The Complaint alleges violations of Section 203 of the Clean Air Act (“CAA”), 42 U.S.C. § 7522. Respondents were served with the Complaint on March 17, 2022. Respondents moved for an extension of time to file an answer based on ongoing settlement discussions with Complainant. On April 7, 2022, the Regional Judicial Officer granted Respondents’ first motion for an extension of time to file answer. Respondents’ response to the Complaint is currently due by May 13, 2022. Counsel for Respondents is currently engaged in good faith settlement discussions with Complainant in the hope of resolving this matter with the need for litigation.

II. ARGUMENT

The Regional Judicial Officer may grant an extension of time to file an answer upon a filing of a timely motion, a showing of good cause, and after consideration of prejudice to other parties in the action. 40 C.F.R. §§ 22.7(b) and 22.16. This motion satisfies these criteria.

This motion is timely, having been filed prior to the due date for Respondent’s answer to the Complaint.

This motion also complies with the “good cause” requirement of 40 C.F.R. § 22.7(b). The Consolidated Rules of Practice, and Complainants’ policy, encourage settlement to avoid litigation. 40 C.F.R. § 22.18(b). Respondents desire to resolve this matter through informal settlement discussions with Complainant. To that end, counsel for Respondents and Complainant have been engaged in productive settlement discussions. As part of the informal settlement discussions, on April 27, 2022, Respondents submitted responses to two Requests for Information. It appears that a supplemental response to the Requests for Information may be necessary, and Respondent may need to provide Complainant with ability to pay information.

Respondents need additional time to gather this information. Once this further information has been submitted, Respondents and Complainant will need time to further engage in good faith settlement discussions.

Finally, granting this motion will not result in prejudice. As noted above, the parties have initiated settlement discussions that will likely resolve this matter without the need for litigation. Complainant does not object to this motion. Failure to grant this motion will result in prejudice to Respondents by requiring them to prepare an Answer before one is necessary.

III. CONCLUSION

For the foregoing reasons, Respondents respectfully request that the Regional Judicial Officer grant Respondents' motion for a 30-day extension of time to file an answer to and including June 10, 2022.

DATE: May 9, 2022.



Wade C. Foster
Krista K. McIntyre
STOEL RIVES LLP
101 S Capitol Boulevard, Suite 1900
Boise, ID 83702
Telephone: 208.389.9000

Counsel for Respondents

CERTIFICATE OF SERVICE

I certify that the on May 9, 2022, the original SECOND MOTION FOR EXTENSION OF TIME TO FILE ANSWER and PROPOSED ORDER in the above-captioned matter were delivered via electronic mail to:

Regional Hearing Clerk
U.S. Environmental Protection Agency, Region 10
R10_RHC@epa.gov

Further, I certify that on May 9, 2022, a true and correct copy of the SECOND MOTION FOR EXTENSION OF TIME TO FILE ANSWER and PROPOSED ORDER were served on Complainant via electronic mail to:

Brett Dugan, Assistant Regional Counsel
U.S. Environmental Protection Agency, Region 10
Dugan.brett@epa.gov

Lena Feij
Air, Toxics, and Information Law Branch
Office of Regional Counsel
U.S. Environmental Protection Agency, Region 10
Freij.Lena@epa.gov



Wade C. Foster
STOEL RIVES LLP
101 S Capitol Boulevard, Suite 1900
Boise, ID 83702
Telephone: 208.389.9000
wade.foster@stoel.com