

August 7, 2012

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Via Overnight Mail

Ms. Wanda I. Santiago
Regional Hearing Clerk
U.S. EPA, Region I

Mail Code ORA18-1
5 Post Office Square, Suite 100
Boston, MA 02109-3912



Re: *U.S. EPA v. Rhodes Technologies, Inc., RCRA 01-2011-0124*

Dear Ms. Santiago:

Please find enclosed for filing the original and one copy of Respondent, Rhodes Technologies, Inc.'s Motion to Extend Time to Answer Complainant's Second Amended Complaint and Notice of Opportunity for Hearing in the above captioned matter. The current date for Respondent's Answer is August 13, 2012. The Motion seeks an extension to September 12, 2012 to provide sufficient time for the entry of the final CAFO to settle this matter prior to the Answer date. Complainant does not oppose this Motion.

Sincerely yours,

A handwritten signature in blue ink, appearing to read "A L Kolesar".

Andrew L. Kolesar

cc: Honorable Susan L. Biro
Honorable Barbara J. Gunning
Andrea Simpson, U.S. EPA

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION I

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Office of Regional Hearing Clerk

In the Matter of: :
: :
Rhodes Technologies, Inc. : Motion to Extend Time to Answer and
498 Washington Street : Request Hearing
Coventry, RI 02816 : :
: :
Proceeding under Section 3008(a) of the : Docket No. RCRA-01-2011-0124
Resource Conservation and Recovery :
Act, 42 U.S.C. § 6928(a) :

MOTION TO EXTEND TIME TO ANSWER COMPLAINANT’S SECOND AMENDED COMPLAINT AND NOTICE OF OPPORTUNITY FOR HEARING

Respondent, Rhodes Technologies, Inc. (“Rhodes”) by and through counsel, moves for an extension of time to file the Answer and Request for Hearing to Complainant’s Second Amended Complaint and Notice of Opportunity for Hearing (“Second Amended Complaint”) in the above-captioned action. The current date for Respondent’s Answer and Request for Hearing is August 13, 2012. This Motion seeks an extension to September 12, 2012. Respondent and Complainant (the “Parties”) have reached an agreement to settle this matter. Respondent executed a Consent Agreement and Final Order (“CAFO”) which was delivered to Complainant’s counsel on August 6, 2012. Respondent seeks a thirty-day extension to file an Answer and Request for Hearing to allow Complainant time to execute the CAFO and for issuance of the Final Order to resolve this matter. The extension of time would conserve the resources of the Parties and the Court.

Complainant, through counsel, has reviewed this Motion and has stated to Respondent that Complainant does not oppose this Motion.

Respectfully Submitted,



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CERTIFICATE OF SERVICE

I certify that I have served the original and one copy of the foregoing upon Wanda Santiago, Regional Hearing Clerk, Andrea Simpson, U.S. EPA Enforcement Counsel, Chief Judge Susan L. Biro and Judge Barbara J. Gunning via overnight mail service, this 7th Day of August, 2012.



Andrew L. Kolesar