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2011 OCT 13 AM 11:41

U.S. ENVIRONMENTAL PROTECTION AGENCY  
REGIONAL HEARING CLERK

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION IX

In re:

KILAUEA CRUSHERS, INC.

Respondent.

)  
)  
) U.S. EPA Docket No.  
) CAA-09-2011-0004  
)  
)  
)  
)

ORDER GRANTING MOTION  
TO EXTEND TIME TO RESPOND TO COMPLAINT

By motion filed October 12, 2011, the Complainant seeks a 60-day extension of time to file an answer to the above-entitled administrative complaint to December 20, 2011.

Section 22.7(b) of the Consolidated Rules of Practice, 40 C.F.R. § 22.7(b), provides that a motion for extension of time may be granted "for good cause shown, and after consideration of prejudice to other parties."

On the basis of the Complainant's motion, including the Complainant's representation that the parties are involved in settlement discussions and that the Respondent does not oppose this motion, it appears that there is good cause for an extension of time, and there will be no prejudice to any party from granting the requested extension.

IT IS THEREFORE ORDERED THAT:

The time for Respondent to answer the Complaint and request a hearing is extended to December 30, 2011.

Dated: 10.13.11

  
\_\_\_\_\_  
Jo Ann Asami  
Regional Judicial Officer

CERTIFICATE OF SERVICE

I certify that the original of the fully executed Order Granting Motion to Extend Time to Respond to Complaint against Kilauea Crushers, Inc. (**Docket #: CAA-09-2011-0004**) was filed with the Regional Hearing Clerk, U.S. EPA, Region IX, 75 Hawthorne Street, San Francisco, CA 94105, and that a true and correct copy of the same was sent to the following parties:

A copy was mailed via CERTIFIED MAIL to:

C. William Nichols  
Kilauea Crushers, Inc.  
21940 N. 75<sup>th</sup> Avenue  
Peoria, AZ 85383

**CERTIFIED MAIL NUMBER:** 7010-1060-0002-0242-7853

An additional copy was mailed via FIRST-CLASS MAIL to:

Patrick J. Paul, Esq.  
Snell & Wilmer, LLP  
One Arizona Center  
400 East Van Buren Street, Ste. 1900  
Phoenix, AZ 85004-2202

And additional copy was hand-delivered to the following U.S. EPA case attorney:

David Kim, Esq.  
Office of Regional Counsel  
U.S. EPA, Region IX  
75 Hawthorne Street  
San Francisco, CA 94105

  
\_\_\_\_\_  
Bryan K. Goodwin  
Regional Hearing Clerk  
U.S. EPA, Region IX

10/14/11  
\_\_\_\_\_  
Date