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UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 HAWTHORNE STREET
SAN FRANCISCO, CA 94105

IN THE MATTER OF:)	Docket No. FIFRA-09-2011-021
)	
Carimex International Trading)	
Co., Inc. d/b/a SHCP Baltimore)	
)	MOTION FOR EXTENSION
)	OF TIME TO FILE ANSWER
Respondent)	
_____)	

Pursuant to the authority set forth in the Consolidated Rules of Practice, 40 C.F.R. § 22.16(a), the U.S. Environmental Protection Agency, Region 9 ("Complainant") and Respondent, Carimex International Trading Co., Inc. d/b/a SHCP Baltimore ("Carimex" or "Respondent"), jointly file this Motion for Extension of Time to File Answer from on or about December 29, 2011, until February 29, 2012, for the reasons stated herein.

BACKGROUND

On September 22, 2011, Complainant filed a Civil Complaint and Notice of Opportunity for Hearing ("Complaint") against Respondent, which initiated the above-captioned matter under Section 325 of the Emergency Preparedness and Community-Right-to-Know Act ("EPCRA"), 42 U.S.C. § 11001 et seq., for alleged violations of the Form R reporting requirements of

Section 313 of EPCRA. Respondent accepted service of the Complaint on or about November 29, 2011. Under the Consolidated Rules of Practice, Respondent's answer is currently due on or about December 29, 2011, which is 30-days after receipt of the complaint pursuant to 40 C.F.R. § 22.7(c).

ARGUMENT

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

This motion is "timely," having been filed well prior to the December 29, 2011, date for Respondent's answer to the Complaint.

This motion complies with the "good cause" requirement of 40 C.F.R. § 22.7(b). It is EPA's policy to encourage settlement and avoid litigation when consistent with the provisions and objectives of the law at issue. See 40 C.F.R. § 22.18(b). The parties are in active negotiations to resolve the violations alleged in the Complaint. Moreover, Respondent has stated that it has limited ability to pay a penalty for the alleged violations, and seeks to provide financial document to EPA to review. It will take some time for

Respondent to submit these documents to EPA, for EPA to review them, and for the penalties to come to agreement on the terms of a settlement. Given the that the parties are in active settlement discussions to resolve the alleged violations and given that Respondent has made an inability to pay claim that will take some time for EPA to review, the parties do not believe it is in their best interests to be expending resources on litigation. Therefore, the parties believe that "good cause" exists for an extension of time until February 29, 2012, which is around a 60-day extension from the time that Respondent would otherwise have been required to file its answer.

Finally, granting this motion will not result in "prejudice," as both parties are jointly seeking the extension. The parties believe that the requested extension should allow sufficient time for EPA to review the financial documents to be submitted by Respondent and for the parties to complete negotiations and file an executed consent agreement and final order ("CAFO").

Respectfully submitted,

DATE: 12/22/11



Ivan Lieben
Assistant Regional Counsel
USEPA, Region 9

DATE: December 22, 2011

A handwritten signature in black ink, appearing to read "John E. Lee", is written over a horizontal line. The signature is stylized and cursive.

John E. Lee (SBN 194032)
Attorney for Respondent
Carimex International Trading
Co., Inc.

CERTIFICATE OF SERVICE

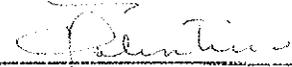
I certify that the original and a copy of the attached Motion for Extension of Time to Respond to Complaint was hand delivered to:

Regional Hearing Clerk
U.S. Environmental Protection Agency, Region 9
75 Hawthorne Street
San Francisco, CA 94105

and that a true and correct copy of the Motion was placed in the United States Mail, addressed to the following serving as counsel for Respondent:

John B. Lee
Law Offices of John B. Lee & Associates
1055 Wilshire Blvd., Suite 1950
Los Angeles, CA 90017

Dated: 12/22/11

By: 
Corazon Tolentino
Office of Regional Counsel
USEPA, Region 9