



2009 APR 28 AM 6:07

U.S. EPA REGION VIII
HEARING CLERK

April 24, 2009

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

Re: Docket No.: CWA-08-2009-0010
SEMA Construction and Colorado
Department of Transportation

Dear Clerk:

Enclosed for filing please find the original and one copy of SEMA Construction's Unopposed Motion For Extension To Answer. Please call with any questions.

Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read "T. Clark".

Thomas C. Clark
Sr. Vice President

**Heavy and Highway
General Contractors**

7353
S. Eagle Street

Centennial
Colorado
80112-4223

(303) 627-2600
Fax: (303) 627-2626

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8**

2009 APR 28 AM 6:07

IN THE MATTER OF:

**Colorado Department of Transportation
4201 E. Arkansas Avenue
Denver, CO 80222**

**UNOPPOSED MOTION
FOR EXTENSION TO
ANSWER**

and

**SEMA Construction, Inc.
7353 South Eagle Street
Centennial, CO 80112,**

Docket No.:
CWA-08-2009-0010

Respondents.

COMES NOW Respondent SEMA Construction, Inc. ("SEMA"), by and through its undersigned officer, pursuant to Consolidated Rule of Practice 22.7, and respectfully requests that it be granted an extension of time to answer the Administrative Complaint and Notice of Opportunity for Hearing ("Complaint") in this matter as follows:

SEMA signed the return receipt for the Complaint on April 2, 2009, and Respondent Colorado Department of Transportation (CDOT) signed the return receipt on April 14, 2007, creating a 10 day disparity in the due dates for the Respondents' answers (SEMA's answer is due May 4 and CDOT's answer is due May 14.)

The proposed penalty set forth in the Complaint is not apportioned between SEMA and CDOT, so SEMA and CDOT are working jointly with the EPA to attempt to resolve this matter through settlement. Two joint CDOT/SEMA meetings are currently scheduled with the EPA in furtherance of settlement.

Good cause therefore exists for SEMA's answer deadline to be extended to coincide with CDOT's answer deadline to allow the parties to explore settlement in good faith prior to the filing of its answer. Since CDOT's answer is not due until May 14, the granting of an extension to SEMA will not delay the closing of the pleadings in this matter. Further, a settlement in the interim may obviate the need to file an answer.

The undersigned has discussed this requested extension to answer with counsel for CDOT and with Wendy Silver, Senior Attorney for the EPA, and neither opposes the requested extension.

WHEREFORE, Respondent SEMA respectfully requests that it be granted an extension of time to file its answer to the Administrative Complaint and Notice of Opportunity for Hearing, up to and including May 14, 2009.

Dated this 24th day of April, 2009.

SEMA Construction, Inc.



By: Thomas C. Clark
Sr. Vice President
7353 South Eagle Street
Centennial, CO 80112
(303) 627-2600
(303) 627-2626 (fax)

CERTIFICATE OF SERVICE

I certify that I have served a copy of this Unopposed Motion For Extension to Answer by first class U.S.Mail, fully prepaid, on this 24th day of April, 2009, addressed to the following;

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

Megan Rundlet, Asst. Attorney General
1525 Sherman Street, 4th Floor
Denver, CO 80203

