

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

2011 DEC 14 PM 2:40

IN THE MATTER OF:)
)
Holcim (US), Inc.)
3500 Highway 120)
Florence, CO 81226)
Respondent.)
_____)

FILED
1034 REGION 8
2011 DEC 14 PM 2:40
VWJ
BRK

**SECOND UNOPPOSED MOTION FOR
EXTENSION OF TIME TO ANSWER
AND REQUEST HEARING
Proceeding to Assess Class II
Administrative Penalty Under
Clean Water Act, Section 309(g)**

Docket No. CWA-08-2011-0035

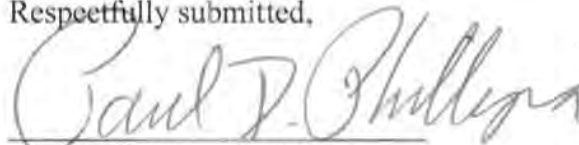
Pursuant to 40 C.F.R. § 22.7(b), Respondent, Holcim (US), Inc. ("Holcim"), hereby requests a further 60-day extension of time, until February 27, 2012, to file its Answer and Request for Hearing to the Administrative Complaint served by United States Environmental Protection Agency ("EPA") Region 8 on September 28, 2011, in the above-referenced matter. Holcim's Answer is currently due December 28, 2011. Holcim has requested and received one prior unopposed extension of time.

The parties have been engaged in good faith negotiations since late October and have now agreed to the terms of a settlement. The parties are in the process of finalizing the terms of a Combined Complaint and Consent Agreement ("CCCA"). A 60-day extension is necessary due to the fact that the CCCA will be subject to a mandatory 40-day public comment period, and further that counsel for Complainant, Wendy Silver, will be out of the office for two weeks for the holidays beginning December 16, 2011. Ms. Silver has been consulted and has indicated that she does not oppose this request.

A proposed Order has been provided.

Dated: December 14, 2011.

Respectfully submitted,



Paul D. Phillips (#8433)
Christopher L. Colclasure (#32435)
HOLLAND & HART LLP
555 Seventeenth Street, Suite 3200
Post Office Box 8749
Denver, Colorado 80201-8749
303-295-8000
303-295-8261 (facsimile)
pdpillips@hollandhart.com
clcolclasure@hollandhart.com

ATTORNEYS FOR HOLCIM (US), INC.

CERTIFICATE OF SERVICE

I certify that on the 14th day of December, 2011, the original and one copy of the foregoing SECOND UNOPPOSED MOTION FOR EXTENSION OF TIME TO ANSWER AND REQUEST HEARING was hand delivered to:

Elyana Sutin
Regional Judicial Officer
U.S. EPA, Region 8
1595 Wynkoop Street
Mail Code: 8RC
Denver, CO 80202-1129

I further certify that on the 14th day of December, 2011, a true and correct copy of the foregoing SECOND UNOPPOSED MOTION FOR EXTENSION OF TIME TO ANSWER AND REQUEST HEARING was served via United States Mail, First Class, postage prepaid, to the following:

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



Debra Allenius

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

2011 DEC 14 PM 2:40

IN THE MATTER OF:) [Proposed] ORDER
))
)) FILED
)) EPA REGION VIII
)) HEADING BUREAU
Holcim (US), Inc.)
3500 Highway 120)
Florence, CO 81226)
))
Respondent.)
_____) **Proceeding to Assess Class II**
Administrative Penalty Under
Clean Water Act, Section 309(g)
Docket No. CWA-08-2011-0035

On December 14, 2011, Holcim (US), Inc. ("Holcim") filed a Second Unopposed Motion for Extension of Time to Answer and Request Hearing in connection with the Administrative Complaint served by the U.S. Environmental Protection Agency ("EPA") Region 8 on September 28, 2011. Holcim's Motion is hereby granted. Holcim shall file its Answer on or before February 27, 2012.

Dated this _____ day of December, 2011.
