

LAW OFFICE OF PAUL ZOGG

2011 NOV 10 AM 10:42

VIA HAND DELIVERY

Nov. 9, 2011

FILED
EPA REGION VIII
HEARING CLERK

Tina Artemis, Regional Hearing Clerk (8RC)
U.S. EPA Region 8
1595 Wynkoop St.
Denver, CO 80202-1129

Re: In re Asher Associates L.L.C.
CWA-08-2011-0037

Dear Ms. Artemis:

Pursuant to 40 C.F.R. §22.5(a), enclosed please find an original and one copy of an Entry of Appearance, Request for Hearing and Unopposed Motion to Extend Deadline for Filing of Answer for filing in the above-captioned action.

If you have any questions or concerns, or there is a filing fee or other filing requirements, don't hesitate to let me know immediately.

Thank you for your assistance.

Very truly yours,


Paul Zogg

cc: Asher
Brenda Morris, Esq.

ORIGINAL

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8

2011 NOV 10 AM 10:42

DOCKET NO. CWA-08-2011-0037

IN THE MATTER OF)

Asher Associates, L.L.C.)
2350 E. Willamette Lane)
Greenwood Village, CO 80121)

EPA REGION VIII
HEARING CLERK
**ENTRY OF APPEARANCE,
REQUEST FOR HEARING,
AND UNOPPOSED MOTION TO
EXTEND DEADLINE FOR
FILING OF ANSWER**

Pursuant to 33 U.S.C. §§1319(g)(4)(C) and 1321(b)(6)(C)(iii) and 40 C.F.R. §§22.7, 22.10, 22.15 and 22.16, the undersigned counsel hereby enters his appearance on behalf of Asher Associates L.L.C., (“Asher”), and files on behalf of Asher the following Entry of Appearance, Request for Hearing and Unopposed Motion to Extend Deadline for Filing of Answer, stating as follows:

1. Pursuant to 40 C.F.R. §22.10, undersigned counsel hereby enters his appearance as attorney on behalf of Asher Associates L.L.C. in this matter initiated by the Environmental Protection Agency’s filing of an Administrative Complaint and Opportunity to Request a Hearing on Sept. 27, 2011.

2. Pursuant to 33 U.S.C. §1319(g)(4)(C) and 1321(b)(6)(C)(iii) and 40 C.F.R. §22.15(c), Asher hereby disputes, and requests a hearing on, the proposed assessment of a civil penalty of \$177,500 against Asher by the EPA as asserted in the Administrative Complaint.

3. Pursuant to 40 C.F.R. §§22.7 and 22.16(a), Asher hereby moves for an extension of 62 days to file an answer to the Administrative Complaint, through and including Wednesday, Jan. 11, 2012, pursuant to 40 C.F.R. §22.15.

4. This extension is sought based on good cause, including to allow Asher to continue to pursue ongoing settlement negotiations with EPA which may well avert the need for an answer or a hearing, and to avoid numerous conflicts associated with the coming Thanksgiving, Christmas and New Year's holidays.


5. Prior to the filing of this pleading, the undersigned consulted with Brenda Morris, Esq., counsel for EPA, who advised she had no objection to the requested extension of time to answer.

WHEREFORE, for all the foregoing reasons, Asher respectfully requests that the deadline for Asher to file its answer to the Administrative Complaint be extended 62 days through and including Wednesday, Jan. 11, 2012.

Dated this 9th day of November, 2011:

Respectfully submitted

LAW OFFICE OF PAUL ZOGG



Paul Zogg
1221 Pearl Street
Boulder, CO 80302
(ph) 303-546-9970
(fax) 303-546-9971
(email) pzogg@acweb.com

CERTIFICATE OF SERVICE PURSUANT TO 40 C.F.R. §22.5(A)

The undersigned hereby certifies that on this 9th day of November, 2011, a true and correct copy of the foregoing **ENTRY OF APPEARANCE, REQUEST FOR HEARING AND UNOPPOSED MOTION TO EXTEND DEADLINE FOR FILING OF ANSWER**, by email addressed to Morris.Brenda@epamail.epa.gov and by first-class mail, postage prepaid address to:

Brenda L. Morris, Esq.
U.S. EPA, Region 8
1595 Wynkoop St. (ENF-L)
Denver, CO 80202-1129

A handwritten signature in black ink, appearing to read "B. Morris", is written over a horizontal line.