



2009 MAY 13 AM 10:51

May 12, 2009

VIA HAND DELIVERY

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 the Respondents' 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", written over a horizontal line.

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**

IN THE MATTER OF:

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

and

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

Respondents.

**UNOPPOSED MOTION
FOR EXTENSION TO
ANSWER**

Docket No.:
CWA-08-2009-0010

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

The answers of the Respondents in this matter are due on or before May 14, 2009.

The Respondents have been working jointly with the EPA in good faith to resolve this matter through a settlement.

The Respondents met with counsel for the EPA on May 12, 2009 and have reached an agreement in principal to settle this matter in full. The settlement may involve participation by the Respondents in a Supplemental Environmental Project (SEP). The parties need additional time to evaluate SEPs prior to preparing dismissal documentation. The parties should be able to prepare and file suitable dismissal documentation within 90 days.

Good cause therefore exists for SEMA's and CDOT's answer deadlines to be extended for 90 days to allow the dismissal documentation to be prepared.

The undersigned have discussed this requested extension to answer with Wendy Silver, Senior Attorney for the EPA, and she does not oppose and concurs with the requested extension.

WHEREFORE, Respondents SEMA and CDOT respectfully request that they be granted 90 day extensions of time to file their answers to the Administrative Complaint and Notice of Opportunity for Hearing, up to and including August 13, 2009.

Dated this 12th day of May, 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)

Colorado Department of Transportation

By: Megan Paris Rundlet, #27474
Assistant Attorney General
1525 Sherman Street, 4th Floor
Denver, CO 80203
(303)866-5229

The undersigned have discussed this requested extension to answer with Wendy Silver, Senior Attorney for the EPA, and she does not oppose and concurs with the requested extension.

WHEREFORE, Respondents SEMA and CDOT respectfully request that they be granted 90 day extensions of time to file their answers to the Administrative Complaint and Notice of Opportunity for Hearing, up to and including August 13, 2009.

Dated this 12th day of May, 2009.

SEMA Construction, Inc.

By: Thomas C. Clark
Sr. Vice President
7353 South Eagle Street
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(303) 627-2600
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Colorado Department of Transportation

Megan Paris Rundlet

By Megan Paris Rundlet, #27474
Assistant Attorney General
1525 Sherman Street, 4th Floor
Denver, CO 80203
(303)866-5229

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 12th day of May, 2009, addressed to the following;

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

Megan Paris Rundlet
Assistant Attorney General
1525 Sherman Street, 4th Floor
Denver, CO 80203


