

**UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 2**

**U.S. ENVIRONMENTAL
PROTECTION AGENCY-REG.11
2011 DEC -6 P 1:10
REGIONAL HEARING
CLERK**

| | | |
|---|---|-----------------------------|
| IN THE MATTER OF: |) | |
| |) | |
| Lafarge Building Materials, Inc. |) | |
| Ravena Cement Plant |) | PROCEEDING TO ASSESS A |
| 1916 Route 9W, Ravena, New York |) | CLASS II CIVIL PENALTY |
| SPDES Permit NY0005037 |) | |
| |) | |
| Respondent, |) | Docket No. CWA-02-2012-3401 |
| |) | |
| Proceeding pursuant to Section 309(g) |) | |
| of the Clean Water Act, 33 U.S.C. § 1319(g) |) | |

**UNOPPOSED MOTION TO EXTEND TIME TO RESPOND TO THE
ADMINISTRATIVE COMPLAINT, FINDINGS OF VIOLATION, NOTICE OF
PROPOSED ASSESSMENT OF AN ADMINISTRATIVE PENALTY AND NOTICE OF
OPPORTUNITY TO REQUEST A HEARING**

COMES NOW Respondent Lafarge Building Materials, Inc. ("Lafarge") and, with the consent of Complainant Environmental Protection Agency ("EPA"), hereby moves the Regional Judicial Officer for a ninety-day (90-day) extension of time to respond to Complainant's Administrative Complaint, Findings of Violation, Notice of Proposed Assessment of an Administrative Penalty and Notice of Opportunity to Request a Hearing (hereinafter collectively referred to as the "Administrative Complaint"), respectfully showing as follows:

1.

Complainant issued the Administrative Complaint on October 31, 2011. Pursuant to 40 C.F.R. § 22.15, Respondent has thirty (30) days of service of the Administrative Complaint to respond.

2.

Respondent requests a ninety day extension from the date of this Motion to respond to the Administrative Complaint. If granted, the deadline to respond to the Administrative Complaint would become Monday, February 27, 2012.

3.

The purpose of the ninety (90) day extension is to allow Respondent and Complainant to complete good-faith negotiations to resolve the issues outlined in the Administrative Complaint. To that end, there is a face-to-face meeting between the parties is currently scheduled for December 12, 2011 at EPA Region 2's office in New York, New York.

4.

Diane Gomes, Attorney for Complainant EPA, has authorized me to state that Complainant concurs with this Motion and the ninety (90) day extension proposed herein.

Respectfully submitted this 28th day of November, 2011.



Adam Sowatzka
Attorney for Respondent

CERTIFICATE OF SERVICE

I hereby certify that the UNOPPOSED MOTION TO EXTEND TIME TO RESPOND TO THE ADMINISTRATIVE COMPLAINT, FINDINGS OF VIOLATION, NOTICE OF PROPOSED ASSESSMENT OF AN ADMINISTRATIVE PENALTY AND NOTICE OF OPPORTUNITY TO REQUEST A HEARING was served on the parties as indicated below:

Via E-mail, Facsimile, and First Class Mail:

Regional Hearing Clerk
US EPA
290 Broadway, 16th Floor
New York, NY 10007-1866

Diane Gomes, Assistant Regional Counsel and Attorney for Complainant
Water and General Law Branch
Office of the Regional Counsel
US EPA, Region 2
290 Broadway, 16th Floor
New York, NY 10007-1866

Dated: November 28, 2011