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REGIONAL HEARING CLERK

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 9

In re the Matter of:	Docket No.: CWA-09-2007-0003
Frank Coluccio Construction Company, and Castle Family Limited Partnership,	
Respondents.	COMPLAINANT'S RESPONSE TO MOTION TO EXTEND TIME TO ANSWER COMPLAINT
Proceedings Under Section 309(g) of the Clean Water Act, as amended, 33 U.S.C. § 1319(g)	

Complainant U.S. Environmental Protection Agency, Region 9 ("Complainant") does not oppose Respondent Frank Coluccio Construction Company's ("FCCC") Motion currently before the Presiding Officer, *i.e.,* the Motion to Extend Time to Answer Complaint.

Complainant and FCCC are engaged in productive negotiations to resolve this matter, as is the other Respondent in this matter, Castle Family Limited Partnership. All parties are currently involved in good faith negotiation of a Supplemental Environmental Project as part of the settlement of this matter.

Complainant submits herewith a proposed Order to extend the time to answer the Complaint to January 11, 2008.

Respectfully submitted this 31st day of October 2007.

By Richard Campbell
Richard T. Campbell
Assistant Regional Counsel

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 9

In re the Matter of: **Frank Coluccio Construction Company, and Castle Family Limited Partnership,** Respondents. Proceedings Under Section 309(g) of the Clean Water Act, as amended, 33 U.S.C. § 1319(g).	)	Docket No.: CWA-09-2007-0003 [PROPOSED] **ORDER**

On October 25th, 2007, Respondent Frank Coluccio Construction Company ("FCCC") submitted a Motion to Extend Time to Answer Complaint (the "Motion") requesting an extension of time to January 11, 2008 to answer the Administrative Complaint, Findings of Violation, Notice of Proposed Assessment of a Civil Penalty, and Notice of Opportunity to Request a Hearing Thereon (the "Complaint"), filed in this docket by Complainant U.S. Environmental Protection Agency Region 9, on September 26, 2007.

On October 31, 2007, Complainant submitted a Response to FCCC's Motion indicating it did not oppose the request for an extension of time.

The Regional Judicial Officer for EPA Region 9, the Presiding Officer in this matter, has reviewed FCCC's request and finds good cause shown for granting an extension of time to answer the Complaint.

IT IS THEREFORE ORDERED:

1. Pursuant to 40 C.F.R. § 22.7(b) of the "Consolidated Rules of the Practice Governing the Administrative Assessment of Civil Penalties, Issuance of Compliance or Corrective Action Orders, and the Revocation, Termination or Suspension of Permit," the Motion for extension of time submitted by FCCC on October 25, 2007, is granted.

2. FCCC's Answer to the Complaint filed by EPA Region 9 on September 26, 2007, is due on or before January 11, 2008.

_____ _____

Steven Jawgiel
Regional Judicial Officer
U.S. Environmental Protection Agency
Region 9

DATE:

CERTIFICATE OF SERVICE

In the Matter of

Frank Coluccio Construction Company and the Castle Family Limited Partnership

EPA Docket No. CWA-09-2008-0001

I hereby certify that the original of the foregoing Response and proposed Order was filed with the Regional Hearing Clerk, Region 9, and that copies were sent, certified mail, return receipt requested, to:

Christopher A. Coluccio
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and

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Honolulu, Hawaii 96813

10/31/07
Date

Heidi Reeves
Heidi Reeves, Branch Secretary
Air & Toxics, Water & General Law Branch