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U.S. EPA. REGION IX
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1 NANCY MARVEL
Regional Counsel
2 United States Environmental Protection Agency, Region 9

3 RICHARD CAMPBELL
Assistant Regional Counsel
4 United States Environmental Protection Agency, Region 9
5 75 Hawthorne Street
San Francisco, California 94105
6 (415) 972-3870

7 Attorneys for Complainant

8
9 **UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**
10 **REGION 9**

11 In re the Matter of:

) Docket No.: CWA-09-2007-0003
)
)
)

12 **Frank Coluccio Construction Company,**
13 **and Castle Family Limited Partnership,**
)
)
)

) COMPLAINANT'S RESPONSE TO
) MOTION TO EXTEND TIME TO ANSWER
) COMPLAINT
)
)
)

14 Respondents.
)
)
)

15 Proceedings Under Section 309(g) of the
16 Clean Water Act, as amended, 33 U.S.C. §
17 1319(g)

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

21 Complainant and FCCC are engaged in productive negotiations to resolve this matter, as
22 is the other Respondent in this matter, Castle Family Limited Partnership. All parties are
23 currently involved in good faith negotiation of a Supplemental Environmental Project as part of
24 the settlement of this matter.
25

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

3 Respectfully submitted this 31st day of October 2007.

4 By Richard Campbell
5 Richard T. Campbell
6 Assistant Regional Counsel
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1 The Regional Judicial Officer for EPA Region 9, the Presiding Officer in this matter, has
2 reviewed FCCC's request and finds good cause shown for granting an extension of time to
3 answer the Complaint.

4 IT IS THEREFORE ORDERED:

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

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

11
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13 _____
14 Steven Jawgiel
15 Regional Judicial Officer
16 U.S. Environmental Protection Agency
17 Region 9

18 _____
19 DATE:

1 **CERTIFICATE OF SERVICE**

2 In the Matter of

3 Frank Coluccio Construction Company and the Castle Family Limited Partnership

4 EPA Docket No. CWA-09-2008-0001

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

8
9 Christopher A. Coluccio
10 Law Offices of Christopher A. Coluccio PLLC
11 14900 Interurban Ave. S, Suite 274
Seattle, Washington 98168

12 and

13 Lisa Woods Munger
14 Goodsill Anderson Quinn & Stifel
15 1099 Alakea Street, 18th Floor
Honolulu, Hawaii 96813

16
17 10/31/07
Date

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