

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

2010 APR 19 PM 2:46

IN THE MATTER OF:)
)
)
Kiewit Building Group, Inc.)
7200 S. Alton Way, Suite A-300)
Englewood, CO 80112)
Respondent.)
)
)
_____)

**UNOPPOSED MOTION FOR AN
ADDITIONAL EXTENSION OF TIME
TO ANSWER OR OTHERWISE
RESPOND AND TO REQUEST A
HEARING**

**Proceeding to Assess Class II
Administrative Penalty Under
Clean Water Act, Section 309(g)**

Case No. CWA-08-2010-0008

FILED
APR 19 2010
COURT VIII
CLERK

Respondent Kiewit Building Group, Inc. ("Respondent"), by and through its attorneys, Sherman & Howard L.L.C., hereby submits its Unopposed Motion for An Additional Extension of Time to Answer or Otherwise Respond and to Request a Hearing. The Administrative Complaint and Notice of Opportunity for Hearing (the "Complaint") was served on February 25, 2010, and Respondent's answer was due on or before March 29. Respondent requested an extension of time to answer or otherwise respond and to request a hearing up to and including April 26, 2010. That request was granted. Respondent requests an additional extension of time up to and through June 10, 2010, to allow for completion of fact finding efforts by Respondent and EPA, exchange of information, and completion of on-going negotiations between the parties.

As grounds for its Motion, Respondent states:

1. Since receipt of the Complaint, Respondent has undertaken diligent, good faith efforts to fully review the allegations in the Complaint and to determine the facts surrounding the events that gave rise to the allegations. That process is on-going and is being pursued diligently.
2. Respondent requested an informal settlement conference with EPA representatives to discuss the allegations in the Complaint and to explore settlement possibilities. That conference was held on March 19. At that conference, Respondent provided EPA representatives with information regarding the allegations in the Complaint.
3. Subsequently, on March 26, 2010, Respondent provided additional information to EPA for review. Counsel for EPA was out of the office and unavailable the week of March 29, 2010. Due to schedule conflicts and the unavailability of EPA technical representatives due in part to on-site field inspections at other projects unrelated to this matter, EPA was not able to provide a response to the comments and documents submitted by Respondent until the week of April 12, 2010. Counsel for Respondent and EPA conferred on several occasions during that week and those discussions are on-going. Respondent and EPA have exchanged and continue to exchange information regarding the alleged violations. Once the exchange and review of information is completed and Respondent and EPA have had the opportunity to review all

relevant materials, counsel for Respondent and EPA will confer again to determine the potential for settlement of this matter.

4. If a settlement can be reached by the parties, additional time will be required to draft and reach an accord on a consent agreement. Conversely, if a settlement cannot be reached, additional time will be required to prepare Respondent's Answer to the Complaint.

5. Respondent's request for an extension of time will preserve judicial resources and the administrative and fiscal resources of the parties by allowing the parties to fully pursue settlement discussions prior to Respondent being required to answer the Complaint.

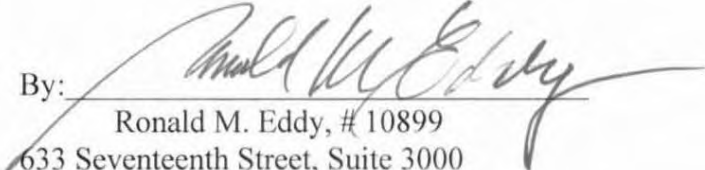
6. Counsel for Respondent has conferred with counsel for EPA, who has authorized counsel for Respondent to represent that EPA does not oppose and joins in Respondent's request for an extension of time to answer or otherwise respond and to request a hearing.

WHEREFORE, Respondent requests an extension of time up to and including June 10, 2010, to answer or otherwise respond to the Complaint and to request a hearing

Respectfully submitted April 19, 2010.

SHERMAN & HOWARD L.L.C.

By:


Ronald M. Eddy, # 10899
633 Seventeenth Street, Suite 3000
Denver, CO 80202
Telephone: (303) 297-2900
Fax: (303) 29800940
E-mail: reddy@shermanhoward.com

Attorneys for Kiewit Building Group, Inc.

CERTIFICATE OF SERVICE

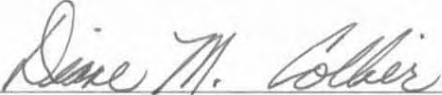
I hereby certify that on the date noted below, the original and one copy of the foregoing Motion for an Additional Extension of Time to Answer and to Request a Hearing was hand-delivered, addressed to the following:

Tina Artemis
Regional Hearing Clerk
U.S. Environmental Protection Agency (8RC)
1595 Wynkoop Street
Denver, Co 80202-1129

and a copy was also hand-delivered to:

Wendy Silver, Esq.
Legal Enforcement Program
U.S. Environmental Protection Agency, Region 8
Office of Enforcement, Compliance and Environmental Justice
1595 Wynkoop Street
Denver, CO 80202-1129

Date: April 19, 2010



Diane M. Collier