

U.S. ENVIRONMENTAL
PROTECTION AGENCY-REG. II
2009 MAR 13 PM 2:50
REGIONAL HEARING
CLERK

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2
290 Broadway
New York, New York 10007-1866

IN THE MATTER OF:

151-45 Sixth Road Whitestone Partners LLC
Trump Tower
725 Fifth Avenue, 24th Floor
New York, New York 10022

Respondent

Proceeding pursuant to §309(g) of the
Clean Water Act, 33 U.S.C. §1319(g)

PROCEEDING TO ASSESS CLASS II
CIVIL PENALTY

DOCKET NO. CWA-02-2009-3401

RESPONDENT'S MOTION FOR EXTENSION OF TIME TO ANSWER EPA'S
ADMINISTRATIVE COMPLAINT, FINDINGS OF VIOLATION, NOTICE OF PROPOSED
ASSESSMENT OF AN ADMINISTRATIVE PENALTY, AND NOTICE OF OPPORTUNITY
TO REQUEST A HEARING

Pursuant to the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties, Issuance of Compliance or Correction Action Orders, and the Revocation, Termination or Suspension of Permits ("CROP"), 40 C.F.R. Part 22, Respondent, 151-45 Sixth Road Whitestone Partners LLC, hereby moves for an extension of time of fifteen (15) days within which to file an Answer to the U.S. Environmental Protection Agency's ("EPA") Administrative Complaint, Findings of Violation, Notice of Proposed Assessment of an Administrative Penalty, and Notice of Opportunity to Request a Hearing (the "Complaint"). In support of this Motion, Respondent states as follows:

1. This is Respondent's first request for an extension of time in which to Answer the Complaint.

2. Respondent was served with EPA's Complaint on February 18, 2009. Pursuant to 40 C.F.R. §22.15(a), Respondent's Answer to the Complaint is presently due on March 20, 2009. If Respondent's Motion is granted, Respondent's Answer will be due on April 6, 2009.
3. Respondent's counsel contacted Assistant Regional Counsel for EPA Region 2, Eduardo J. Gonzalez ("EPA's Counsel"), on behalf of Respondent on February 26, 2009 for purposes of conducting informal settlement negotiations.
4. Respondent and EPA are currently engaged in informal settlement negotiations and Respondent has reasonable expectations that settlement negotiations will be successful.
5. Respondent's counsel spoke with EPA's Counsel on March 11, 2009 seeking mutual agreement to extend Respondent's time to answer, at which time EPA Counsel suggested that Respondent file this motion requesting an extension of time to Answer the Complaint and stated that he had not objection to Respondent's request for extension in order for the parties to continue their settlement negotiations.

WHEREFORE, Respondent respectfully moves for an extension of an additional fifteen (15) days within which to file its Answer to the Complaint.

Dated: March 13, 2009

By:



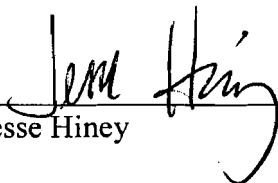
Jesse Hiney
Paul, Hastings, Janofsky & Walker LLP
75 East 55th Street
New York, NY 10022
(212) 318-6000

Counsel for Respondent
151-45 Sixth Road Whitestone Partners LLC

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this 13th day of March, 2009, a true and correct copy of the foregoing MOTION FOR EXTENSION OF TIME TO ANSWER EPA'S 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 following via By Hand delivery:

Regional Hearing Clerk
U.S. Environmental Protection Agency
290 Broadway, 16th Floor
New York, NY 10007-1866



Jesse Hiney