

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 2

U.S. ENVIRONMENTAL
PROTECTION AGENCY-REG.11
2012 FEB 28 P 12:32
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 thirty-day (30-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.

On November 28, 2011, Lafarge submitted an unopposed motion for extension of ninety (90) days to respond to the Administrative Complaint. On November 30, 2011, the Regional Judicial Hearing entered an order granting Lafarge until February 27, 2012 to respond.

3.

The parties are still in active good-faith negotiations and have made substantial progress toward a resolution of the case.

4.

Diane Gomes, Attorney for Complainant EPA, concurs with this Motion and the thirty (30) day extension proposed herein.

Respectfully submitted this, the 24th day of February, 2012.

Respectfully submitted,

LAFARGE BUILDING MATERIALS, INC.

By its Attorneys,
BAKER, DONELSON, BEARMAN, CALDWELL &
BERKOWITZ, PC



Adam G. Sowatzka

NOTICE OF SERVICE

I certify that I have this 24th day of February, 2012, served the above motion, via U.S. postage prepaid mail, on the following:

Diane Gomes, Assistant Regional Counsel and Attorney for Complainant
Water and General Law Branch
Office of the Regional Counsel
U.S. Environmental Protection Agency, Region 2
290 Broadway, 16th Floor
New York, NY 10007-1866

Helen Ferrara, Regional Judicial Officer
U.S. Environmental Protection Agency, Region 2
290 Broadway, 16th Floor
New York, NY 10007-1866
(also noticed by fax at 212-637-3202 and email at ferrara.helen@epa.gov)

Karen Maples, Regional Hearing Clerk
U.S. Environmental Protection Agency, Region 2
290 Broadway, 16th Floor
New York, NY 10007-1866


Adam G. Sowatzka