UNITED STATES ENVIRONMENTAL PROTECTION AGENCY REGION 8

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|) | UNOPPOSED MOTION FOR |
| | EXTENSION OF TIME A DECION WITH |
|) | TO ANSWER OR OTHERWISE, EDW |
| | 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 |
| | |

Respondent Kiewit Building Group, Inc. ("Respondent"), by and through its attorneys, Sherman & Howard L.L.C., hereby submits its Unopposed Motion for 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 is due on or before March 29. Respondent requests an extension of time to answer or otherwise respond and to request a hearing up to and including April 26, 2010.

As grounds for its Motion, Respondent states:

- 1. Respondent is in the process of reviewing the allegations in the Complaint. That process has included discussions with its site representative and review of company files. Respondent's internal review process is on-going and is being pursued diligently.
- 2. Respondent has requested an informal settlement conference with EPA representatives to discuss the allegations in the Complaint and to explore settlement possibilities. That conference is currently scheduled for March 19.
- 3. Additional internal investigations may be needed by Respondent following its informal settlement discussions with EPA. Those investigations also may necessitate further communications with Agency representatives on various issues arising from the allegations in the Complaint.
- 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. Counsel for EPA will be out of the office and unavailable the week of March 29, 2010.

- 6. 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.
- 7. Counsel for Respondent has conferred with counsel for EPA, who has authorized counsel for Respondent to represent that EPA does not oppose Respondent's request for an extension of time to answer or otherwise respond and to request a hearing.
- 8. Pursuant to 40 C.F.R. Section 22.5(b)(4), undersigned counsel states that he is authorized to receive service of pleadings and other materials relating to this proceeding.

WHEREFORE, Respondent requests an extension of time up to and including April 26, 2010. to answer or otherwise respond to the Complaint and to request a hearing

Respectfully submitted March 18, 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 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: March 18, 2010

Diane M. Colliei