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September 23, 2010

By Federal Express

Regional Hearing Clerk
United States Environmental Protection Agency
290 Broadway, 16th Floor
New York, NY 10007-1866

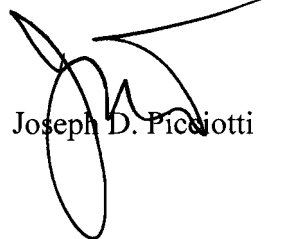
Re: In the Matter of Dolomite Products Co., Inc.
Docket No. CWA-02-2010-3403

Dear Sir/Madam:

Enclosed please find the notice of motion and supporting affidavit on behalf of the Respondent in the referenced matter seeking to enlarge the time in which Respondent answers or otherwise responds to the administrative complaint in this matter. Please be advised that counsel for the Environmental Protection Agency, Lauren Fischer, has indicated she will not oppose the request to enlarge the time for Respondent to answer or otherwise respond to the complaint.

Please return a copy of the enclosed in the enclosed prepaid envelope addressed to my office with a stamp indicating that it has been filed with the Clerk as required under the applicable rules.

Sincerely,



Joseph D. Picciotti

JDP:nac
Enclosures
cc: Lauren Fischer (w/enclosures)

U.S. ENVIRONMENTAL
PROTECTION AGENCY-REG-11
2010 SEP 24 P 1:40
REGIONAL HEARING
CLERK

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 2

IN THE MATTER OF:

Dolomite Products Co., Inc.
Manitou Construction
Manitou-Redman Mine, Concrete Plant and
Maintenance Facility
1150 Penfield Road, Rochester, New York
SPDES General Permit NYR00B138.
Docket No. CWA-02-2010-3403

Respondent.

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

Docket No. CWA-02-2010-3403

NOTICE OF MOTION
TO ENLARGE THE TIME
FOR RESPONDENT TO
ANSWER OR OTHERWISE
RESPOND TO THE
ADMINISTRATIVE
COMPLAINT

U.S. ENVIRONMENTAL
PROTECTION AGENCY-REG.11
2010 SEP 24 P 1:40
REGIONAL HEARING
CLERK

MOTION BY:

Respondent

DATE, TIME AND PLACE OF HEARING:

September 27, 2010, or as soon after
as the Administrative Law Judge or
appropriate judicial officer may hear
and make a determination on this
motion; no request for oral argument
or hearing on this motion is made
and Respondent requests that the
motion be decided without any such
argument or hearing.

SUPPORTING PAPERS

Attached affidavit of Joseph D.
Picciotti, sworn to September 23,
2010 as counsel for Respondent.

RELIEF REQUESTED:

An Order from the Administrative
Law Judge or other appropriate
officer in accordance with the
Consolidated Rules of Practice 40
Code of Federal Relations Part 22 et
seq. granting the Respondent's

request that its time to answer or otherwise respond to the Administrative Complaint in this matter be extended up to and including November 16, 2010.

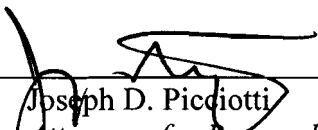
GROUND:

For the reasons set forth in the enclosed affidavit, including that the Environmental Protection Agency through counsel, Lauren Fischer, does not object to the request to enlarge time for the Respondent to answer or otherwise respond to the Administrative Complaint to allow the Respondent and the Agency to resolve this matter if possible in an amicable manner in as an expeditious a manner as possible.

Pittsford, New York
September 23, 2010

HARRIS BEACH PLLC

By:



Joseph D. Picciotti
Attorneys for Respondent
99 Garnsey Road
Pittsford, New York 14534
(585) 419-8800

TO: LAUREN FISCHER, ESQ.
Water & General Law Branch
Office of Regional Counsel
U.S. ENVIRONMENTAL PROTECTION AGENCY
290 Broadway – 16th Floor
New York, New York 10007-1866
(212) 637-3231

244704 1452043.1

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 2

IN THE MATTER OF:

Docket No. CWA-02-2010-3403

Dolomite Products Co., Inc.
Manitou Construction
Manitou-Redman Mine, Concrete Plant and
Maintenance Facility
1150 Penfield Road, Rochester, New York
SPDES General Permit NYR00B138.
Docket No. CWA-02-2010-3403

SUPPORTING AFFIDAVIT

Respondent.

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

STATE OF NEW YORK)
COUNTY OF MONROE) ss.:

JOSEPH D. PICCIOTTI, being duly sworn, deposes and says:

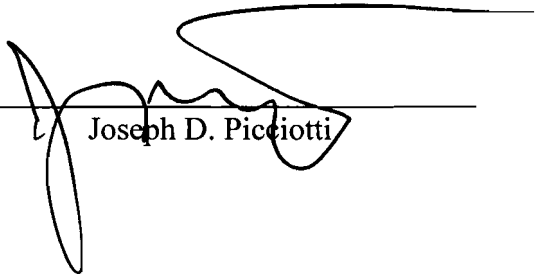
1. I am counsel for Respondent in this matter and I submit this affidavit in support of the attached Notice of Motion submitted by Respondent seeking to enlarge the time of Respondent to answer or otherwise respond to the Administrative Complaint. The Administrative Complaint in this matter was received by a person of responsibility with the Respondent sometime within the first two weeks of September, 2010.

2. As indicated in the Notice of Motion, I have had communications with counsel for the Environmental Protection Agency in this matter (the "Agency"), Lauren Fischer, concerning the date by which the Respondent's answer or other response to the Administrative Complaint is due. Ms. Fischer has stated in an e-mail that the Agency has

agreed to enlarge the time for the Respondent to file its answer or otherwise respond to the Administrative Complaint up to and including the middle of November, 2010.

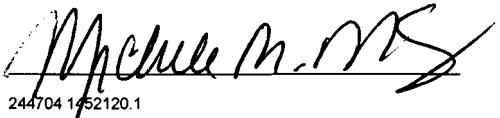
3. Respondent requests that this motion be granted extending Respondent's time to answer or otherwise respond to the Administrative Complaint to and including November 16, 2010 in order to allow Respondent to work with the Agency to resolve this matter by mutual agreement of the parties in as expeditious a manner as possible.

4. No further relief is requested by this application.



Joseph D. Picciotti

Sworn to before me this 23rd
day of September, 2010.



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Michele M. McKay
Notary Public, State of New York
Qualified in Monroe County
My Commission Expires April 16, 2014