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U.S. EPA, REGION IX
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A LIMITED LIABILITY LAW PARTNERSHIP LLP

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5 Honolulu, Hawaii 96813
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Facsimile: (808) 547-5880

7 Attorney for Respondent
8 CASTLE FAMILY LIMITED PARTNERSHIP

9 UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
10 REGION 9

11
12 IN THE MATTER OF:

NO. NO. CWA-09-2007-0003

13 Frank Coluccio Construction Co., and
14 Castle Family Limited Partnership,

MOTION TO EXTEND TIME TO
ANSWER COMPLAINT;
DECLARATION OF LISA WOODS
MUNGER; CERTIFICATE OF
SERVICE

15 Respondents.

16 Proceeding to Assess Class II
17 Administrative Penalty Under Clean Water
18 Act Section 309(c)

19 **MOTION TO EXTEND TIME TO ANSWER COMPLAINT**

20 COMES NOW, Respondent, CASTLE FAMILY LIMITED
21 PARTNERSHIP, by and through its undersigned attorney, and moves as follows.

22
23 1. Relief Requested.

24 Respondent CASTLE FAMILY LIMITED PARTNERSHIP
25 respectfully requests an order extending the time for it to answer the complaint by a
26 minimum of 60 calendar days, or no sooner than January 4, 2008.

1 2. Authority and Argument.

2 This motion is made pursuant to 40 CFR §22.7(b) which provides
3 that the "Presiding Officer may grant an extension of time for filing any document;
4 upon timely motion of a party to the proceeding, for good cause shown...". This
5 motion is submitted herein based on the Declaration of Lisa Woods Munger and
6 the records and files herein.
7

8 This matter involves the Environmental Protection Agency (EPA)
9 complaint assessing penalties against Respondents for alleged violations of the
10 Clean Water Act, with respect to certain amounts of fill dirt allegedly placed on
11 Respondent Castle Family's property in Hawaii. The parties are in the process of
12 settling this matter, and as such Respondent, Castle Family seeks to avoid the need
13 and expense of answering the complaint and setting a hearing, while good faith
14 settlement discussions are on-going.
15

16 It is hoped that settlement documents will be prepared and presented
17 by the EPA by early November, 2007. Respondent, Castle Family and EPA are
18 investigating the possibility of a Supplemental Environmental Project ("SEP").
19 EPA is close to getting management approval for a SEP option for Respondents to
20 consider, in lieu of an all cash penalty.
21

22 Respondent, Frank Coluccio Construction's Hawaii office received
23 the EPA's complaint on October 9, 2007. Respondent Castle Family received the
24 complaint thereafter. Respondent Castle Family hereby requests a sixty day
25
26

1 extension of time within which to respond to the complaint, up to and including
2 January 4, 2008. The additional time is necessary due to pending settlement
3 discussions.
4

5 DATED: Honolulu, Hawaii, November 5, 2007.
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LISA WOODS MUNGER
10 Attorney for Respondent
11 CASTLE FAMILY LIMITED
12 PARTNERSHIP
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1 UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

2 REGION 9

3
4 IN THE MATTER OF:

NO. CWA-09-2007-0003

5 Frank Coluccio Construction Co., and
6 Castle Family Limited Partnership,

DECLARATION OF LISA WOODS
MUNGER

7 Respondents.

8 Proceeding to Assess Class II
9 Administrative Penalty Under Clean Water
10 Act Section 309(c),

11 **DECLARATION OF LISA WOODS MUNGER**

12 I LISA WOODS MUNGER declare and state as follows:

13 1. I am a partner in the law firm of Goodisill Anderson Quinn & Stifel,
14 attorneys for Respondent Castle Family Limited Partnership. I am duly authorized to
15 make this declaration.

16 2. Castle Family Limited Partnership has received the complaint, but
17 wishes to address its attention to the resolution of the complaint.

18 3. As counsel for Castle Family Limited Partnership, I was off-island
19 in trial from September 10, 2007 through and including October 9, 2007. Upon my return
20 to Honolulu, I have been involved in a Special Session of the Hawaii Legislature and
21 therefore unable to attend to the preparation of an answer to the complaint

22 4. I believe that this matter can be resolved by settlement. This
23 motion is not brought for improper purposes or the purpose of delay.
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I declare under penalty of perjury that the foregoing is true and correct.

DATED: Honolulu, Hawaii, November 5, 2007.


LISA WOODS MUNGER

1 UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

2 REGION 9

3
4 IN THE MATTER OF:

NO. CWA-09-2007-0003

5 Frank Coluccio Construction Co., and
6 Castle Family Limited Partnership,

CERTIFICATE OF SERVICE

7 Respondents.

8 Proceeding to Assess Class II
9 Administrative Penalty Under Clean Water
10 Act Section 309(c),

11 CERTIFICATE OF SERVICE

12 I hereby certify that the foregoing document was duly served via United
13 States mail, postage prepaid, addressed as follows:

14 Original to: Danielle Carr, Regional Hearing Clerk
15 Office of Regional Counsel
16 U.S. Environmental Protection Agency
17 Region 9
18 75 Hawthorne Street
19 San Francisco, CA 94105

20 Copies to: Rich Campbell
21 Assistant Regional Counsel
22 U.S. Environmental Protection Agency
23 Region 9
24 75 Hawthorne Street
25 San Francisco, CA 94105

26 Alec Wong, Chief
Clean Water Branch
Hawaii Department of Health
919 Ala Moana Boulevard, 3rd Floor
Honolulu, HI 96814

1 Christopher A. Coluccio PLLC
2 14900 Interurban Ave., S., Suite 274
3 Seattle, WA 98168

4 DATED: Honolulu, Hawaii, November 5, 2007.

5 
6 LISA WOODS MUNGER

7 Attorney for Respondent
8 CASTLE FAMILY LIMITED
9 PARTNERSHIP
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