

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
BEFORE THE ADMINISTRATOR

U.S. ENVIRONMENTAL
PROTECTION AGENCY
2011 JUL 14 A 11:13
REGIONAL HEARING
CLERK

IN THE MATTER OF:

**Dependable Towing & Recovery, Inc.
and David A. Whitehill**

2160 Lafayette Street
P.O. Box 266
Falconer, New York 14733

Respondents.

Proceeding to Assess a Class II
Administrative Penalty Pursuant to
Section 309(g) of the Clean Water Act,
33 U.S.C. §1319(g)

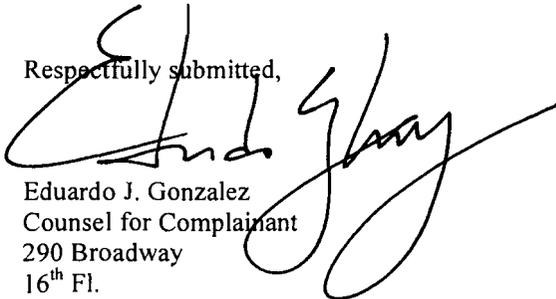
Docket No. CWA-01-2011-3601

**Proceeding Pursuant to § 309(g) of the Clean
Water act, 33 U.S.C. § 1319(g) to Assess a Class
II Civil Penalty**

COMPLAINANT'S MOTION FOR EXTENSION OF ADR PROCEEDINGS

1. Complainant respectfully moves for a thirty-day extension of the Alternative Dispute Resolution period.
2. On Monday, July 11, 2011, Complainant and Respondent discussed options moving forward on a conference call with Hon. Judge Nissen and all parties concluded that an extension of the ADR period is in the best interest of both respondent and complainant.
3. The additional time will allow for further meetings between Respondent and Complainant, in an attempt to resolve the instant matter.

Respectfully submitted,



Eduardo J. Gonzalez
Counsel for Complainant
290 Broadway
16th Fl.
New York, NY 10007
212-637-3223
Gonzalez.eduardoj@epa.gov

Dated: July 12, 2011

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
BEFORE THE ADMINISTRATOR

IN THE MATTER OF:

**Dependable Towing & Recovery, Inc.
and David A. Whitehill**

2160 Lafayette Street
P.O. Box 266
Falconer, New York 14733

Respondents.

Proceeding to Assess a Class II
Administrative Penalty Pursuant to
Section 309(g) of the Clean Water Act,
33 U.S.C. §1319(g)

Docket No. CWA-01-2011-3601

**Proceeding Pursuant to § 309(g) of the Clean
Water act, 33 U.S.C. § 1319(g) to Assess a Class
II Civil Penalty**

CERTIFICATE OF SERVICE

I hereby certify that on July 12, 2011, the original of this motion was given to the Regional Hearing Clerk, U.S. EPA, Region 2 and copies were sent to the Administrative Law Judge and the Respondent's counsel by electronic delivery.

Original and One Copy

By Hand:

Office of Regional Hearing Clerk
U.S. Environmental Protection Agency – Region 2
290 Broadway, 16th Floor
New York, New York 10007-1866

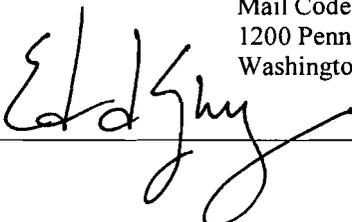
Copy by Certified Mail
And Electronic Mail

Deborah J. Chadsey, Esq.
Kavinoky Cook LLP
Attorneys for Respondents
Dependable Towing & Recovery In. and
David Whitehill
726 Exchange Street, Suite 800
Buffalo, New York 800

Copy by Electronic Mail and Mail:

Hon. Spencer T. Nissen
Administrative Law Judge
Knolyn Jones
Staff Assistant
Fax: (202) 565 - 0044
U.S. EPA
Office of Administrative Law Judges
Mail Code 1900 L
1200 Pennsylvania Avenue NW
Washington, DC 20460

Dated: 7/12/2011



New York, New York