

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 9

75 Hawthorne Street  
San Francisco, California 94105

FILED

2011 JUL 14 AM 9:19

U.S. EPA, REGION IX  
REGIONAL HEARING CLERK

In the Matter of:

**A Plus Materials Recycling**

250 Port Road 23  
Stockton, California, 95203

Respondent.

) Docket No.: CWA-09-2010-0003  
)  
)  
) **REQUEST FOR A**  
) **14-DAY CONTINUANCE**  
)  
)  
) Proceedings Under Section 309(g)(2)(B)  
) of the Clean Water Act, as amended,  
) 33 U.S.C. § 1319(g)(2)(B)  
)

Complainant, U.S. Environmental Protection Agency, Region 9, and Respondent, A Plus Materials Recycling, have reached a settlement of this matter. Complainant requests a fourteen (14) day continuance of Complainant's pre-hearing exchange, and all other pre-hearing deadlines in this case, so that the parties may promptly conclude settlement without the risk of waiving any claims or defenses.

Complainant's pre-hearing exchange is currently due on July 15, 2011. EPA was able to verify Respondent's claim that it had a limited ability to pay a penalty on July 7, 2011, after Respondent had provided the necessary documentation and EPA's contractor had time to evaluate the information. The parties then reached a settlement and EPA provided Respondent with a Consent Agreement on July 11, 2011. Respondent's counsel is in the process of obtaining his client's signature. However, Complainant has not been able to reach Respondent's counsel to determine when we will receive the signed agreement, which must then be submitted to Region 9's Director of the Water Division for approval and signature.

Accordingly, Complainant moves that the date of Complainant's pre-hearing exchange be continued for fourteen (14) days, to July 29, 2011, and that all other subsequent deadlines in this matter be continued for fourteen (14) days.

Respectfully submitted, this 14th day of July 2011.

DATED: July 14, 2011



Brett Moffatt, Assistant Regional Counsel  
Attorney for Complainant  
U.S. Environmental Protection Agency, Region 9

**CERTIFICATE OF SERVICE**

**In the Matter of A Plus Materials Recycling**

**Docket No. CWA-09-2010-0003**

I hereby certify that the foregoing **REQUEST FOR A 14-DAY CONTINUANCE** was filed with the Regional Hearing Clerk for EPA Region IX, and that a copy was sent in the following manner to the addresses listed below:

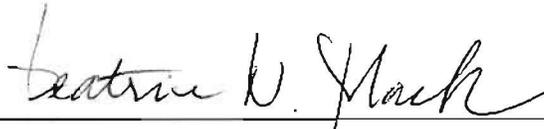
By pouch mail to:

Hon. Susan L. Biro, Chief Administrative Law Judge  
Office of Administrative Law Judges  
U.S. Environmental Protection Agency  
Mailcode 1900L  
1200 Pennsylvania Avenue NW  
Washington, D.C. 20460

By regular mail to:

John H. McKinley, Esq.  
Brown, Hall, Shore and McKinley, LLP  
3031 W. March Lane, Suite 230W  
Stockton, CA 95219-6568

Dated July 14, 2011, San Francisco, California



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Beatrice Plack  
Office of Regional Counsel