

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2
290 BROADWAY
NEW YORK, NY 10007-1866

U.S. ENVIRONMENTAL
PROTECTION AGENCY-REGION 2
2011 JUL -6 P 3:44
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

Docket No. CWA-02-2011-3601

Respondents.

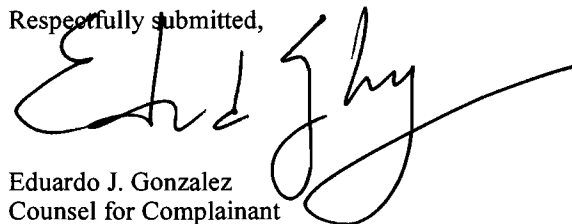
**Proceeding Pursuant to § 309(g) of the Clean
Water Act, 33 U.S.C. § 1319(g) to Assess Class II
Civil Penalty**

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

COMPLAINANT'S MOTION FOR EXTENSION OF TIME TO RESPOND

1. Complainant respectfully moves for an extension of time to respond to Respondent's Motion to Amend their Answer.
2. On June 23, 2011, Respondent's counsel moved to Amend their Answer pursuant to 40 C.F.R. § 22.15(e).
3. Complainant received a copy of this motion via overnight delivery. Complainant was out of the office between June 24 and July 5. Complainant was unable to respond to Respondent's motion during this time.
4. Complainant is aware that there is a limited time for response pursuant to 40 C.F.R. §22.16(b).
5. Complainant intends to review Respondent's amended answer and file a response by Monday, July 11, 2011.
6. The additional time will allow for submission of Complainant's response and place the Court make its ruling.

Respectfully submitted,



Eduardo J. Gonzalez
Counsel for Complainant

Dated: July 6, 2011

**UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 2
290 Broadway
New York, New York 10007**

<p>In the matter of</p> <p>Dependable Towing & Recovery, Inc., and David A. Whitehill</p> <p>2160 Lafayette Street P.O. Box 266 Falconer, New York 14733</p> <p style="text-align:center">Respondents.</p>	<p>Proceeding Pursuant to § 309(g) of the Clean Water Act, 33 U.S.C. § 1319(g) to Assess Class II Civil Penalty</p> <p style="text-align:center">Docket No. CWA-02-2011-3601</p>
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Certificate of Service

I hereby certify that on July 6, 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 fax.

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

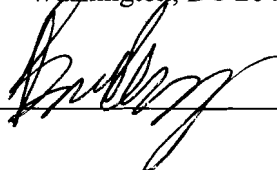
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Copy by Electronic Mail and Mail:

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Chief Administrative Law Judge
Maria Whiting-Beale
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U.S. EPA
Office of Administrative Law Judges
Mail Code 1900L
1200 Pennsylvania Avenue NW
Washington, DC 20460

Dated: 7/6/2011



New York, New York