

LAW OFFICE OF PAUL ZOGG

2012 JAN 25 AM 8:20

VIA HAND DELIVERY

Jan. 24, 2011

FILED
EPA REGION VIII
HEARING CLERK

Tina Artemis, Regional Hearing Clerk (8RC)
U.S. EPA Region 8
1595 Wynkoop St.
Denver, CO 80202-1129

Re: In re Asher Associates L.L.C.
CWA-08-2011-0037

Dear Ms. Artemis:

Pursuant to 40 C.F.R. §22.5(a), enclosed please find an original and one copy of an Unopposed Motion for Extension of Time to File Answer for filing in the above-captioned action.

If you have any questions or concerns, don't hesitate to let me know immediately.

Thank you for your assistance.

Very truly yours,



Paul Zogg

cc: Asher
Brenda Morris, Esq.

ORIGINAL

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8
DOCKET NO. CWA-08-2011-0037

2012 JAN 25 AM 8:20

IN THE MATTER OF)
Asher Associates, L.L.C.) **UNOPPOSED MOTION**
2350 E. Willamette Lane) **FOR EXTENSION OF TIME**
Greenwood Village, CO 80121) **TO FILE ANSWER**

FILED
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Pursuant to 40 C.F.R. §§22.7 and 22.16(a), respondent Asher Associates LLC, by and through undersigned counsel, hereby files this Unopposed Motion for Extension of Time to File Answer, stating as follows:

1. Pursuant to 40 C.F.R. §22.15, Asher's answer is due on Wednesday Jan. 25, 2012, in this administrative Spill Control Prevention matter.
2. On Jan. 17, 2012, representatives of Asher met with representatives of EPA to discuss resolution of this matter, including the undersigned and EPA counsel Brenda Morris, and reached tentative agreement on Asher's sharing of financial information with EPA over a three-month period, subject to Freedom of Information Act Exemption 3, to permit evaluation of Asher's ability to pay the penalties sought in this proceeding.
3. Through this process, the parties hope to potentially achieve amicable resolution of this matter without further litigation.
4. Proceeding with this litigation while this process is going on could harmfully effect prospects for settlement by adding substantial costs on both parties. Conversely, proceeding with the financial information analysis would impede the parties' abilities to devote proper efforts to litigating the complaint.

5. Further, the financial analysis is sufficiently complex that it will require a reasonable period for EPA to satisfy itself on its conclusion.

6. As a result, EPA proposed an additional three-month extension in Asher's deadline for answering, and Asher agreed.

7. This is the third unopposed extension request submitted by Asher in this matter, but Asher respectfully submits that the orderly sharing of relevant financial information in search of potential amicable resolution of this matter, with EPA's consent, constitutes "good cause" for this additional extension.

8. Accordingly, by this motion, Asher respectfully requests an additional three months to answer the complaint, through and including Tuesday April 24, 2012 to file its answer.

WHEREFORE, for all the foregoing reasons, Asher respectfully requests that the deadline for Asher to file its answer to the Administrative Complaint be extended three months, through and including Tuesday, April 24, 2012.

Dated this 24th day of January, 2012:

Respectfully submitted

LAW OFFICE OF PAUL ZOGG



Paul Zogg
1221 Pearl Street
Boulder, CO 80302
(ph) 303-546-9970
(fax) 303-546-9971
(email) pzogg@aceweb.com

CERTIFICATE OF SERVICE PURSUANT TO 40 C.F.R. §22.5(b)(2)

The undersigned hereby certifies pursuant to 40 C.F.R. §22.5(b)(2) that on this 24th day of January, 2012, a true and correct copy of the foregoing **UNOPPOSED MOTION FOR EXTENSION OF TIME TO FILE ANSWER**, by email addressed to Morris.Brenda@epamail.epa.gov and by first-class mail, postage prepaid address to:

Brenda L. Morris, Esq.
U.S. EPA, Region 8
1595 Wynkoop St. (ENF-L)
Denver, CO 80202-1129

A handwritten signature in black ink, appearing to be "B.L. Morris", with a horizontal line extending to the right from the end of the signature.