

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 8

2009 OCT 13 PM 1:55

FILED
EPA REGION VIII
HEARING CLERK

IN THE MATTER OF:)

Bucklen Equipment Company, Inc.)
804 N. 25th Avenue)
Greeley, CO 80631)

JOINT MOTION FOR EXTENSION OF
TIME FOR RESPONDENT TO FILE
ANSWER

Respondent.)

Docket No. CWA-08-2009-0028

The Complainant, United States Environmental Protection Agency, Region 8 (EPA), by and through its attorney, Sheldon H. Muller, and the Respondent, Bucklen Equipment Company, Inc., by and through its president, Michael A. Bucklen, jointly move the Presiding Officer to grant the Respondent an extension of time to the 30-day period provided by the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties, Issuance of Compliance or Corrective Action Orders, and the Revocation, Termination or Suspension of Permits (Consolidated Rules), 40 C.F.R. § 22.15(a), to file its answer. As grounds therefore, the movants assert the following:

GROUND FOR MOTION

1. This motion is made pursuant to 40 C.F.R. § 22.7(b) and 40 C.F.R. § 22.16 of the Consolidated Rules. Pursuant to 40 C.F.R. § 22.16, a motion must be in writing, state the grounds for the motion with particularity, set forth the relief sought, and be accompanied by any affidavit, certificate, other evidence or legal memorandum relied upon. Pursuant to 40 C.F.R. § 22.7(b), the Presiding Officer may grant an extension of time for filing any document upon timely motion of a party to the proceeding, for good cause shown, and after consideration

of prejudice to other parties, or upon its own initiative. Any motion for an extension of time must be filed sufficiently in advance of the due date so as to allow other parties reasonable opportunity to respond and to allow the Presiding Officer reasonable opportunity to issue an order. 40 C.F.R. § 22.7(b).

2. The complaint in this matter was filed on September 17, 2009, and received by Respondent on September 18, 2009. Pursuant to the Consolidate Rules, Respondent has until October 19, 2009, to file its answer.

3. The parties have discussed the possibility of reaching an amicable settlement of the issues contained in the complaint filed herein and have reached a tentative settlement.

4. Pursuant to the Clean Water Act and the Consolidated Rules, this matter is subject to a 30-day public comment period. The notice of the public comment period was published on September 23, 2009, and, therefore, the public comment period ends October 23, 2009. Since the public comment period will close after the deadline for Respondent to file its answer, and since Complainant will need time to evaluate any public comments that are submitted, the parties

respectfully request that the deadline for Respondent to file an answer be extended until
November 20, 2009.

UNITED STATES ENVIRONMENTAL
PROTECTION AGENCY, REGION 8

Complainant.

Date: Oct. 13, 2009 By: Sheldon H. Muller
Sheldon H. Muller
Enforcement Attorney
Office of Enforcement, Compliance, and
Environmental Justice
1595 Wynkoop St.
Denver, CO 80202-1129
Phone: (303) 312-6916
Fax: (303) 312-6916
muller.sheldon@epa.gov

BUCKLEN EQUIPMENT COMPANY, INC.

Respondent.

Date: 10-8-09 By: Michael A. Bucklen
Michael A. Bucklen, President
Bucklen Equipment Company, Inc.
804 N. 25th Avenue
Greeley, CO 80631
Phone: (970) 353-0720

CERTIFICATE OF SERVICE

I certify that on the date noted below, I sent, via First Class Mail, U.S. Postal Service, a copy of the foregoing JOINT MOTION FOR EXTENSION OF TIME FOR RESPONDENT TO FILE ANSWER to:

Michael A. Bucklen, President
Bucklen Equipment Company, Inc.
804 N. 25th Avenue
Greeley, CO 80631

I further certify that on the same date below the original and one copy were hand-delivered to:

Tina Artemis
Regional Hearing Clerk
U.S. Environmental Protection Agency (8RC)
1595 Wynkoop Street
Denver, CO 80202-1129

Date: _____

10/13/09


