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BEFORE THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

In the Matter of:)	
)	
Gilbert Agee, individually,)	Docket No. CWA-10-2002-0070
and doing business as,)	
Agee Construction Co.,)	JOINT MOTION FOR EXTENSION
Douglas County, Oregon,)	OF TIME TO FILE CONSENT
)	AGREEMENT AND FINAL ORDER
Respondent.)	
_____)	

Counsel for Complainant, EPA, and Respondent, Gilbert Agee, hereby jointly request an extension of time to allow the parties to complete the negotiation of a settlement of this matter.

By the end of alternative dispute resolution, the parties had come to agreement on a penalty that would resolve this matter and had agreed that part of the penalty would be paid in cash and the remainder would be offset by Respondent's completion of a Supplemental Environmental Project (SEP). Over the last 30 days, the parties have discussed the details of a SEP proposed by Respondent that would improve water quality and enhance habitat within the watershed basin where the alleged violations had occurred. Because Respondent's proposed SEP is a part of a larger wetland enhancement project sponsored by the local soil and water conservation district, the parties required further detailed information from the local soil and water conservation district in order to accurately assess the value of the proposed SEP.

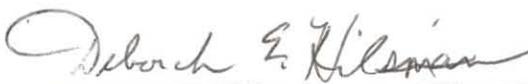
Complainant received detailed information describing the SEP last week and is currently calculating the credit that can be given for the SEP. After completing these calculations, further negotiations with Respondent will be needed to reach final settlement.

Therefore, the parties request that the time to file a CAFO be extended by 30 days to June 6, 2003, to allow the parties to reach final settlement of this matter.

Respectfully submitted this 1 day of May, 2003.



WILLIAM SHERLOCK
Counsel for Respondent



DEBORAH E. HILSMAN
Assistant Regional Counsel
U.S. EPA Region 10

CERTIFICATE OF SERVICE

I certify that the original and one copy of the foregoing Joint Motion for Extension of Time to File Consent Agreement and Final Order was sent to the following in the manner indicated below:

Original and one copy, hand-delivered:

Carol Kennedy, Regional Hearing Clerk
U.S. Environmental Protection Agency, Region 10
1200 Sixth Avenue, Mail Stop ORC-158
Seattle, Washington 98101

True and correct copies, via pouchmail and courtesy copy via fax:

Hon. Susan L. Biro
Chief Administrative Law Judge
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May 1, 2003
Date

