

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 2

U.S. Environmental
Protection Agency
2017 JUL 14 AM 12:01
TERRILL MARTIN
CLERK

IN THE MATTER OF:

Miller's Son Shine Acres, Inc.
1280 Bennett Road
Corfu, New York 14036

Respondent

SPDES Permit No. NYA000458

Proceeding pursuant to Section 309(g) of the
Clean Water Act, 33 U.S.C. § 1319(g)


**MOTION FOR AN EXTENSION OF TIME
IN THE
PROCEEDING TO ASSESS A CLASS I
CIVIL PENALTY**

DOCKET NO. CWA-02-2017-3308

1. Pursuant to 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 ("CROP") (40 C.F.R. Part 22), the U.S. Environmental Protection Agency ("EPA") filed a Complaint and Proposed Assessment of a Civil Penalty in the above-referenced case, and served it against Respondent, Miller's Son Shine Acres, Inc.
2. EPA and Respondent, through its Attorney, have conducted settlement negotiations in this matter and have reached an agreement in principle and are in the process of memorializing this agreement and preparing a settlement in the above-referenced matter.
3. Respondent's Attorney requested additional time to file an answer in this matter during the settlement negotiations. EPA's Attorney agreed to file such a request in this matter to provide time to craft a settlement document to resolve this matter. EPA avers that this motion is timely filed, states good cause for an extension, and that granting such a motion would not prejudice any other party.
4. Pursuant to 40 C.F.R. § 22.7, EPA requests an extension of time for Respondent to file an answer in the above-referenced matter until September 15, 2017.

Dated this July 14, 2017.

Respectfully submitted,



Cynthia L. Psoras, Esq.
Office of Regional Counsel
U.S. Environmental Protection Agency
290 Broadway, 16th Floor
New York, NY 10007-1866

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I certify that on July 14, 2017, I served the foregoing fully executed Motion for an Extension of time in the proceeding bearing the above referenced docket number, on the persons listed below, in the following manner:

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

Copy by Commercial Delivery
Service - Tracking Requested:

Miller's Son Shine Acres, Inc.
1280 Bennett Road
Corfu, NY 14036

Copy by Commercial Delivery
Service - Tracking Requested:

Joseph DiMura, P.E., Director
Bureau of Water Compliance Programs
Division of Water
NYSDEC
625 Broadway
Albany, New York 12233-3506

Copy by Commercial Delivery
Service - Tracking Requested:

Anthony Parlato, Esq.
2361 Wehrle Drive
Williamsville, New York 14221

Dated: 7/14/17

Cynthia Psoras

Cynthia Psoras, Esq.
U.S. Environmental Protection Agency
290 Broadway, 16th Floor
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