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U.S. ENVIRONMENTAL
PROTECTION AGENCY-REGION 1
2011 MAY 26 P 2 41
REGIONAL HEARING
CLERK

May 23, 2011.

Karen Maples, Regional Hearing Clerk
U.S. EPA
290 Broadway – 16th Floor
New York, NY 10007-1866

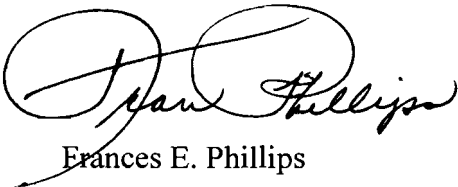
VIA FIRST CLASS MAIL

Re: In the Matter of: D. R. Horton, LLC; Docket No. CWA-02-2011-3402

Dear Ms. Maples:

This Firm represents Respondent in the proceedings referenced above. I am enclosing for filing an original and one (1) copy of a Joint Agreed Motion to Extend Time to Answer or Otherwise Respond.

Very truly yours,



Frances E. Phillips

FEP/ast/d-2193317.v3
c/m#: 124134-71

Enclosures

cc: Chris Saporita (w/enclosure)
Office of Regional Counsel

VIA E-MAIL

**UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 2**

In the Matter of

D. R. Horton, LLC,
Respondent.

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Docket No. CWA-02-2011-3402

U.S. ENVIRONMENTAL
PROTECTION AGENCY
2011 MAY 26 P 2:42
REGIONAL HEARING
CLERK

**JOINT AGREED MOTION TO EXTEND TIME TO ANSWER
OR OTHERWISE RESPOND**

Respondent D. R. Horton, LLC, by and through counsel, and United States EPA jointly move for an extension of time within which Respondent is required to file its answer or otherwise respond as follows:

1. On or about December 14, 2010, the United States Environmental Protection Agency (“EPA”) filed the above-referenced Administrative Complaint.
2. On January 19, 2011, the Regional Judicial Officer issued an order extending the date for Respondent to file its answer to March 21, 2011.
3. On March 22, 2011, the Regional Judicial officer issued an order, with an effective date of March 21, 2011, extending the date for Respondent to file its answer to April 20, 2011.
4. On April 26, 2011, the Regional Judicial officer issued an order, with an effective date of April 20, 2011, extending the date for Respondent to file its answer to May 20, 2011.
5. Respondent and EPA’s counsel reached an agreement in principle on a proposed settlement and the documentation, the Consent Agreement and Final Order, is being circulated within EPA for appropriate signatures. The parties anticipate it will be executed no later than

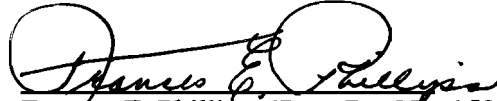
June 20, 2011. To allow the document, Respondent and EPA request that the Respondent's deadline to answer be extended by an additional 30 days.

WHEREFORE, PREMISES CONSIDERED, Respondent and EPA jointly request an order granting Respondent until June 20, 2011 to file its answer or otherwise respond.

DATED: May 23, 2011

Respectfully submitted,

COUNSEL FOR RESPONDENT:



Frances E. Phillips (State Bar No. 15924500)

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COUNSEL FOR EPA:



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Region 2

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New York, NY 10007

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saporita.chris@epa.gov

CERTIFICATE OF SERVICE

I hereby certify that on May 23, 2011, an original and a copy of this motion were filed with the Regional Hearing Clerk for EPA Region 2 and that true and correct copies were served on the following persons as indicated:

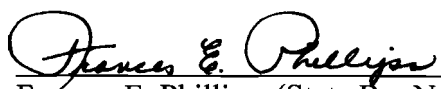
Helen. S. Ferrara
Regional Judicial Officer
U.S. EPA, Region 2
290 Broadway
New York, NY 10007-1866

VIA E-MAIL

Chris Saporita, Esq.
Assistant Regional Counsel
Water & General Law Branch
Office of Regional Counsel
U.S. EPA, Region 2
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VIA E-MAIL

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