

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION VII  
901 NORTH FIFTH STREET  
KANSAS CITY, KANSAS 66101  
BEFORE THE ADMINISTRATOR

04 DEC -6 PM 2:52  
ENVIRONMENTAL PROTECTION  
AGENCY-REGION VII  
REGIONAL HEARING CLERK

IN THE MATTER OF )  
)  
)  
Beaverbrooke Development Company )  
4545 Merle Hay Road )  
Des Moines, Iowa 50310 )  
Respondent )  
)  
Proceedings under Section 309(a) of the Clean )  
Water Act, 33 U.S.C. § 1319(a) )  
\_\_\_\_\_ )

Docket No. CWA-07-2004-0235

**SECOND UNOPPOSED  
REQUEST FOR EXTENSION OF  
TIME TO RESPOND**

Beaverbrooke Development Company, by and through its attorneys, Shook, Hardy & Bacon L.L.P., hereby requests an additional thirty days to answer or otherwise respond to the captioned Findings of Violation, Order for Compliance ("Findings and Order"). The Findings and Order was served on Respondent on October 8, 2004. The undersigned counsel for Beaverbrooke Development Company conferred with David Cozad, counsel for the U.S. EPA, on November 3, 2004, with respect to this request. Counsel for the EPA has indicated that the EPA does not object to an extension of thirty days, during which the parties will seek to resolve this matter through negotiation.

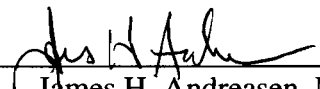
Since Respondent submitted its first request for extension of time to answer, Respondent and the EPA have met. Based on information developed at the meeting, Respondent has undertaken further factual investigation, which has been delayed because unavailability of

relevant personnel of third parties. Respondent expects to submit, within the next few days, additional relevant information to the EPA relevant to a potential settlement. Respondent desires to pursue settlement of this matter, and believes that the parties' efforts are best expended, at this time, toward achieving settlement, rather than in litigation.

WHEREFORE, Respondent Beaverbrooke Development Company respectfully requests an additional thirty (30) days, or until January 5, 2005, in which to respond to the captioned Findings of Violation, Order for Compliance.

Respectfully submitted,

SHOOK, HARDY & BACON L.L.P.

By:   
James H. Andreasen, Mo. Bar No.#34379

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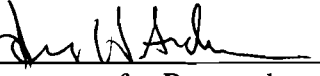
ATTORNEYS FOR RESPONDENT  
BEAVERBROOKE DEVELOPMENT  
COMPANY

**CERTIFICATE OF SERVICE**

I hereby certify that on the 6<sup>th</sup> day of December, 2004, a copy of the above and foregoing was hand-delivered to:

Kathy Robinson  
Regional Hearing Clerk  
U.S. Environmental Protection Agency  
Region VII  
901 North 5<sup>th</sup> Street  
Kansas City, KS 66101

David Cozad  
U.S. Environmental Protection Agency  
Region VII  
901 North Fifth Street  
Kansas City, Kansas 66101

  
\_\_\_\_\_  
Attorneys for Respondent