

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 8

Docket No. CAA-08-2008-0030

2008 OCT 30 PM 3:43

EPA REGION VIII
HEARING CLERK

IN THE MATTER OF:)

TRANS-WEST, INC.)
d/b/a Transwest Trucking)
7626 Brighton Road)
Commerce City, Colorado 80022)

Respondent.)

JOINT MOTION FOR
EXTENSION OF TIME FOR
RESPONDENT TO FILE ITS
ANSWER

COMES NOW the Complainant, United States Environmental Protection Agency Region 8 ("EPA"), by and through its attorney, Dana J. Stotsky, who moves the Presiding Officer to grant the Respondent an extension of time of 30 days in addition to the 30-day period provided by the Consolidated Rules of Practice ("CROP") to file its answer. 40 C.F.R. section 22.15(a).

As grounds therefore, the parties assert the following:

GROUNDS FOR MOTION

This motion is made pursuant to 40 C.F.R. section 22.7(b) and 40 C.F.R. section 22.16 of the CROP. Under CROP, a motion must be in writing, state the grounds for the motion with particularity, set forth the relief or order sought, and be accompanied by any evidence or legal memorandum relied upon. Also, as provided for by rule, 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 shall 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. section 22.7(b).

The parties hereto met by phone on October 29, 2008. The Respondent is representing itself in this matter *pro se*. Respondent has endeavored, with limited success to date, to identify the compliance records of the five individuals described in the complaint herein. Some of these individuals have moved out of the State of Colorado. Respondent stated to the undersigned that an extension of time would considerably aid data collection by Respondent, and allow a more thorough Answer to be filed.

The outcome of this meeting was very positive in terms of narrowing the issues in dispute and identifying potential paths to an out-of-court resolution. The undersigned stated that he would prepare this motion for the benefit of both parties in light of the above. Respondent requests a 30-day extension of time to file its Answer. This is the first such request made in this matter. This request is a joint request. The parties anticipate meeting in the near future to continue settlement discussions.

United States Environmental Protection
Agency, Region 8



Date: October 30, 2008

By: _____

Dana J. Stotsky, Senior Enforcement
Attorney
Legal Enforcement Program
U.S. EPA Region 8
1595 Wynkoop Street
Mail Code: 8ENF-L
Denver, Colorado 80202-1146
Colorado Bar # 14717
Phone: (303)-312-6905
FAX: (303) 312-6953
stotsky.dana@epa.gov

CERTIFICATE OF SERVICE

The undersigned hereby certifies that the original and one copy of the JOINT MOTION FOR EXTENSION OF TIME FOR RESPONDENT TO FILE ITS ANSWER, was hand-carried to the Regional Hearing Clerk, EPA Region 8, 1595 Wynkoop Street; Denver, Colorado 80202-1129, and that a true copy of the same was sent via U.S. Postal Service, postage prepaid, to

Mr. Basel Thompson, Director of Services
TRANS-WEST, INC.
7626 BRIGHTON RD,
COMMERCE CITY, CO 80022

Date: October 30, 2008

By:


