

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 6

FILED
2009 JUL 13 AM 10:17
REGIONAL HEARING CLERK
EPA REGION VI

In the Matter of:)
)
Altec Petroleum Group, Inc.)
) Docket No. CWA-06-2008-1832
Respondent.)

**COMPLAINANT'S MOTION FOR AN EXTENSION OF TIME TO FILE ITS
AMENDED COMPLAINT**

COMES NOW, the Complainant, the Director of the Compliance Assurance and Enforcement Division, through his attorney, in accordance with the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits (the Consolidated Rules), 40 C.F.R. § 22.1 *et seq.*, hereby moves the Court for an extension of time to file its Amended Complaint.

I. ADMINISTRATIVE PROCEDURES TO DATE

1. Complainant issued an Administrative Complaint pursuant to Section 309(g) of the CWA, 33 U.S.C. § 1319(g), on May 20, 2008.

2. Respondent filed a request for a hearing with the Regional Hearing Clerk on June 26, 2008.¹

3. On June 30, 2008, the Presiding Officer issued a Scheduling Order, ordering the following:

- The parties to discuss settlement on or before July 23, 2008;
- the parties to file a status report of settlement negotiations;²

¹ The request did not comply with 40 C.F.R. § 22.15 as it did not clearly admit, deny or explain each of the factual allegations continued in the May 20, 2008. Nor did the request state that the respondent was without knowledge.

- Respondent to file an answer to the Complaint as described in 40 C.F.R. § 22.15;³
- for both parties to submit a prehearing exchange no later than August 26, 2008;
- to file a response to the prehearing exchange by September 12, 2008; and
- the parties to submit in a prehearing conference with the Presiding Officer on September 23, 2008.

4. On July 31, 2008, the Presiding Officer issued its First Amended Scheduling Order granting both parties request for an extension to file their Prehearing exchanges and set a September 26, 2008 date for both parties to file its prehearing exchange.⁴

5. On September 26, 2008, Complainant filed its Pre Hearing Exchange.⁵

6. To date, Respondent has not filed its pre hearing exchange.

7. On October 28, 2008, Complainant filed a Motion to Amend the Complaint.

8. On June 9, 2009, the Presiding Officer granted Complainant's Motion to Amend the Complaint. The Order Granting Complainant's Motion to Amend ordered that the Amended Complaint be filed on or before July 8, 2009.

9. To date, Complainant's amended Complaint is in concurrence awaiting the Director of the Compliance Assurance and Enforcement Division signature.

Complainant anticipates having the signature for filing no later than July 18, 2009.

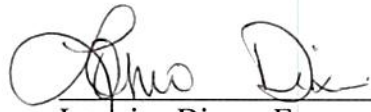
² A Joint Status report was filed on July 23, 2008. In the Joint Status report both parties requested a thirty day extension to file their prehearing exchange.

³ The Presiding Officer Ordered that the Respondent "... respond paragraph by paragraph to the Complaint, clearly and directly admitting, denying, or explaining each of the factual allegations in the Complaint with regard to which the Respondent has nay knowledge. Where Respondent has no knowledge of a particular factual allegation and so states, the allegation will be deemed to be denied. The answer shall also set out the circumstances or arguments which are alleged to constitute the grounds of any defense. Failure of respondent to admit, deny, or explain and material factual allegation continued in the Complaint will be deemed an admission of the allegation.

⁴ The Order also gave an October 28, 2008, date for a prehearing conference. Neither party appeared for the conference.

10. For this reason Complainant respectfully requests that the Court grant its Motion for an Extension of Time to File its Amended Complaint.

Respectfully submitted,



Lorraine Dixon, Esq.

CERTIFICATE OF SERVICE

I hereby certify that on July 13, 2009, the original of the foregoing Complainant's Motion for an Extension of Time to File its amended Complaint, CWA-06-2008-1832 was hand delivered to the Regional Hearing Clerk, and that a true and correct copy of the foregoing has been served upon the following:

VIA Certified Mail

Patrick Adams
President
Altec Testing and Engineering, Inc.
6035 Fremont Street
Riverside, CA 92504

DATED: 7-13-09

SIGNED: 