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 EPA REGION VIII
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January 6, 2014

VANCOTT, BAGLEY,
 CORNWALL &
 MCCARTHY, P.C.
 ESTABLISHED 1874

Via Certified U.S. Mail & Email

Tina Artemis, Region 8 Hearing Clerk (Artemis.Tina@epa.gov)
 United States Environmental Protection Agency, Region 8
 1595 Wynkoop Street
 Denver, Colorado 80202-1129

Re: *JP Excavating, Inc.*
 Docket No. CWA-08-2014-0008

Ms. Artemis:

Please find enclosed Respondent JP Excavating, Inc.'s Motion Requesting Extension of Time to Answer. While Respondent recognizes that the Region 8 Hearing Officer does not ordinarily allow documents to be filed electronically, a PDF copy of the Motion was also e-mailed to you and the EPA's Enforcement Attorney, Peggy Livingston, to provide more time for the Environmental Protection Agency and the Hearing Officer to review and respond to the Motion.

Sincerely,

VAN COTT, BAGLEY, CORNWALL & MCCARTHY



David Mooers-Putzer

Enclosure

4835-5743-3111, v. 1

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Attorneys for Respondent

FILED
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UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 8

In the Matter of:
JP Excavating, Inc.,

Respondent.

**MOTION REQUESTING
EXTENSION OF TIME TO ANSWER**

Docket No. CWA-08-2014-0008

Respondent JP Excavating, Inc., by and through undersigned counsel, respectfully requests, pursuant to 40 CFR § 22.7(b), a 15-day extension of time until January 28, 2013, to answer the Environmental Protection Agency's (EPA) Penalty Complaint and Notice of Opportunity for Hearing, dated December 10, 2013 (Complaint).

Respondent's signed return receipt of the Complaint is dated December 14, 2013, which makes Respondent's answer due on January 13, 2013. A fifteen-day (15) extension would extend Respondent's time for filing an answer to January 28, 2013. An extension of time would allow Respondent additional time to discuss potential settlement of this matter with EPA without the need and expense to

prepare and file an answer. The EPA's counsel has indicated that the EPA does not oppose Respondent's request for an extension.

DATED this 6th of January, 2014.

Van Cott, Bagley, Cornwall & McCarthy

By: /s/ David P. Mooers-Putzer
David P. Mooers-Putzer
H. Michael Keller
Attorneys for Respondents

Certificate of Service

I hereby certify that, on this 6th day of January, 2014, I caused a true and correct copy of the foregoing document to be served on the following by e-mail and certified mail, return receipt requested, through the United States Postal Service:

Peggy Livingston (Livingston.Peggy@epa.gov)
Office of Enforcement, Compliance and Environmental Justice
Region 8, United States Environmental Protection Agency
1595 Wynkoop Street (ENF-L)
Denver, Colorado 80202

Tina Artemis, Region 8 Hearing Clerk (Artemis.Tina@epa.gov)
United States Environmental Protection Agency, Region 8
1595 Wynkoop Street
Denver, Colorado 80202-1129

/s/ David P. Mooers-Putzer

David P. Mooers-Putzer