

**THE PORT AUTHORITY OF NY & NJ**

*Darrell Buchbinder, General Counsel  
Christopher M. Hartwyk, First Deputy General Counsel*

October 28, 2011

Via Hand Delivery

Ms. Karen Maples  
Regional Hearing Clerk  
U.S. Environmental Protection Agency, Region 2  
290 Broadway, 16<sup>th</sup> Floor  
New York, NY 10007-1866

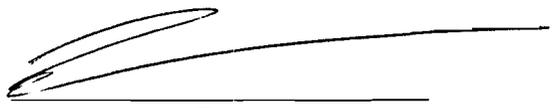
U.S. ENVIRONMENTAL  
PROTECTION AGENCY-REG. II  
2011 OCT 28 P 1:26  
REGIONAL HEARING  
CLERK

Re: In the Matter of the Port Authority of New York and New Jersey  
EPA Region 2, Docket No. RCRA-02-2011-7110

Dear Ms. Maples,

Enclosed please find for filing an original and copy of the Port Authority of New York and New Jersey's Motion to Extend Time to File an Answer and Memorandum in Support of Motion.

Very truly yours,

By: 

Lawrence A. Estrada, Esq.  
Port Authority of NY & NJ  
225 Park Avenue South, 13<sup>th</sup> Floor  
New York, NY 10003  
(212) 435-3426

cc: Hon. Helen Ferrara, Regional Judicial Officer  
Stuart Keith, Esq.  
Elizabeth Rogak, Esq.

225 Park Avenue South  
New York, NY 10003

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 2

-----x  
In the Matter of:

Docket No.: RCRA-02-2011-7111

The Port Authority of New York and  
New Jersey

Respondent

Proceeding Under Section 3008 of the  
Sold Waste Disposal Act, as amended  
-----x

RESPONDENT'S MOTION TO EXTEND  
TIME TO FILE AN ANSWER;  
MEMORANDUM IN SUPPORT OF  
MOTION; CERTIFICATE OF SERVICE

U.S. ENVIRONMENTAL  
PROTECTION AGENCY-REG. II  
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CLERK

**RESPONDENT'S MOTION TO EXTEND TIME TO FILE AN ANSWER**

Respondent the Port Authority of New York and New Jersey ("the Port Authority") hereby moves for an extension of thirty (30) days to respond to the complaint in the above captioned matter. This would give the Port Authority until December 5, 2011 to respond to the Complaint and request a hearing. This motion is made under 40 C.F.R. §22.7.

Dated: New York, New York  
October 28, 2011

JAMES M. BEGLEY, ESQ.  
Attorney for Respondent  
The Port Authority of New York and New  
Jersey

  
-----  
By: Lawrence A. Estrada, Esq.  
225 Park Avenue South, 13<sup>th</sup> Floor  
New York, New York 10003  
212 435-3426

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 2

-----X  
In the Matter of:

Docket No.: RCRA-02-2011-7110

The Port Authority of New York and  
New Jersey

Respondent

MEMORANDUM IN SUPPORT  
OF MOTION

Proceeding Under Section 3008 of the  
Sold Waste Disposal Act, as amended  
-----X

U.S. ENVIRONMENTAL  
PROTECTION AGENCY-REG. II  
2011 OCT 28 P 1:27  
REGIONAL HEARING  
CLERK

**MEMORANDUM IN SUPPORT OF MOTION**

Respondent The Port Authority of New York and New Jersey (“the Port Authority”) respectfully moves for the Presiding Judicial Officer to grant an extension of 30 days (i.e. December 5, 2011) to respond to the Complaint and request a hearing in this matter. This is the Port Authority’s first request for such an extension.

The Presiding Officer may grant an extension of time to respond to the complaint if the motion is “timely” and “good cause” is shown. 40 C.F.R. §22.7(b). In addition, the Presiding Officer must consider “prejudice to other parties.” *Ibid.*

The Port Authority received the Complaint and Compliance Order on October 6, 2011 and its response is currently due to be filed on November 4, 2011. The Port Authority is continuing an investigation of the allegations contained therein and evaluating the terms and time-frame of the Environmental Protection Agency’s (“EPA”) Compliance Order. The Port Authority is also seeking to engage in settlement discussions with EPA. These circumstances constitute good cause for granting an extension because they are necessary for the Port Authority to establish its good faith response to the Complaint. In addition, EPA also represented through

its counsel, Stuart Keith, that it does not oppose the Port Authority's request for a thirty (30) day extension. Thus, there is no risk of prejudice to other parties.

For the reasons set forth above, the Port Authority respectfully requests that the Presiding Officer grant this motion to extend the date to file an answer to December 5, 2011.

Dated: New York, New York  
October 28, 2011

JAMES M. BEGLEY, ESQ.  
Attorney for Respondent  
The Port Authority of New York and New  
Jersey



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By: Lawrence A. Estrada, Esq.  
225 Park Avenue South, 13<sup>th</sup> Floor  
New York, New York 10003  
212 435-3426

**CERTIFICATE OF SERVICE**

I hereby certify that on the 28<sup>th</sup> of October, I caused the foregoing Motion to Extend Time to File an Answer and Memorandum in Support of Motion to be served by in-hand delivery as follows:

Original and One Copy

Karen Maples  
Regional Hearing Clerk  
U.S. Environmental Protection Agency, Region 2  
290 Broadway, 16<sup>th</sup> Floor  
New York, NY 10007-1866

Copy

Honorable Helen S. Ferrera  
Regional Judicial Officer  
U.S. Environmental Protection Agency, Region 2  
290 Broadway, 16<sup>th</sup> Floor  
New York, NY 10007-1866

Copy

Stuart Keith  
Assistant Regional Counsel  
U.S. Environmental Protection Agency  
290 Broadway, 16<sup>th</sup> Floor  
New York, NY 10007-1866

  
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Lawrence A. Estrada, Esq.