

September 3, 2024 2:04 pm

USEPA – Region II

Regional Hearing Clerk

From: [Eric E. Tomaszewski](#)
To: [Ferrara, Helen](#); [Maples, Karen](#)
Cc: [Killian, Brendan](#)
Subject: RE: New Brunswick MS4 Proposed Assessment of a Civil Penalty Class I (Docket No. CWA-02-2024-3307)
Date: Tuesday, September 03, 2024 2:04:29 PM

Caution: This email originated from outside EPA, please exercise additional caution when deciding whether to open attachments or click on provided links.

Ms. Ferrara & Ms. Maples,

Our office represents the City of New Brunswick, New Jersey with respect to the above-referenced matter. For the last few months, I have been in discussions with Mr. Brendan Killian, Water and General Law Branch, EPA R2, to informally resolve the penalty, including the performance of a supplemental environmental project (SEP). Mr. Killian and I seeing the light at the end of the tunnel and his office is currently working on a draft consent agreement and final order. In the meantime, however, he advises that EPA would like the deadline to answer extended because those documents have not yet been finalized. We would like to officially request another 45 days, which Mr. Killian advises is satisfactory to EPA. Please let me know if a more formal request will be necessary. Thank you for your continued attention to this matter.

Eric E. Tomaszewski, Esq
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From: Eric E. Tomaszewski
Sent: Monday, July 22, 2024 1:13 PM
To: Ferrara, Helen <Ferrara.Helen@epa.gov>
Cc: Killian, Brendan <Killian.Brendan@epa.gov>; Maples, Karen <Maples.Karen@epa.gov>
Subject: RE: New Brunswick MS4 Proposed Assessment of a Civil Penalty Class I (Docket No. CWA-02-2024-3307)

Thank you

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From: Ferrara, Helen <Ferrara.Helen@epa.gov>
Sent: Monday, July 22, 2024 12:31 PM

To: Eric E. Tomaszewski <ETomaszewski@MSBNJ.COM>

Cc: Killian, Brendan <Killian.Brendan@epa.gov>; Maples, Karen <Maples.Karen@epa.gov>; Ferrara, Helen <Ferrara.Helen@epa.gov>

Subject: RE: New Brunswick MS4 Proposed Assessment of a Civil Penalty Class I (Docket No. CWA-02-2024-3307)

Good afternoon –

I am hereby confirming that I will issue the order for a 45 day extension of time to answer subject complaint as requested in Mr. Tomaszewski's email, EFFECTIVE AS OF JULY 19th, the day the prior extension expired. However, please note that Ms. Maples is out of the office this week, so I will wait to issue the order until later in the week, as it needs to be filed and served on the parties upon her return.

Please contact me, copying the other parties to this matter, with any questions or concerns.

Helen Ferrara
Regional Judicial Officer, Region 2
USEPA

From: Eric E. Tomaszewski <ETomaszewski@MSBNJ.COM>

Sent: Friday, July 19, 2024 8:06 AM

To: Ferrara, Helen <Ferrara.Helen@epa.gov>

Cc: Killian, Brendan <Killian.Brendan@epa.gov>; Maples, Karen <Maples.Karen@epa.gov>

Subject: RE: New Brunswick MS4 Proposed Assessment of a Civil Penalty Class I (Docket No. CWA-02-2024-3307)

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Ms. Ferrara,

Our office represents the City of New Brunswick, New Jersey with respect to the above-referenced matter. For the last few months, I have been in discussions with Mr. Brendan Killian, Water and General Law Branch, EPA R2, to informally resolve the penalty, including the performance of a supplemental environmental project (SEP). Mr. Killian advised yesterday, in response to my request for additional extension of the deadline to file an Answer to the Complaint that:

Yes, my EPA legal management has informed me that EPA will be able to grant an extension of the July 19 deadline. My management feels that an extension of 45 days would be appropriate. As was previously done, to request an extension of the deadline to answer the complaint, New Brunswick can submit a motion to Karen Maples, the EPA Region 2 Regional Hearing Clerk, at maples.karen@epa.gov.

Our initial extension of the deadline did not require a formal submission, and I am hoping a formal request will not be required for this additional extension. I emailed Ms. Maples, but got an auto-response that she is out today and today is out existing deadline as extended. Can you please let me know if a formal request will be required. Thank you.

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From: Eric E. Tomaszewski
Sent: Tuesday, April 16, 2024 10:56 AM
To: maples.karen@epa.gov
Cc: Killian, Brendan <Killian.Brendan@epa.gov>
Subject: New Brunswick MS4 Proposed Assessment of a Civil Penalty Class I (Docket No. CWA-02-2024-3307)

Ms. Maples,

Our office represents the City of New Brunswick, New Jersey with respect to the above-referenced matter. For the last few weeks, I have been in discussions with Mr. Brendan Killian, Water and General Law Branch, EPA R2, to informally resolve the penalty, including the performance of a supplemental environmental project (SEP). Mr. Killian advised yesterday with respect to the SEP that:

A SEP will first have to be proposed by New Brunswick and approved by EPA. The ultimate settlement agreement will need a description of the SEP/work that will be performed. EPA requires a schedule that includes a start and completion date, as well as milestones if necessary. The agreement must also include a detailed cost estimate. EPA will want documentation supporting the cost estimate.

In order for New Brunswick to gather the necessary information and documents for including the SEP in the ultimate settlement agreement, I respectfully request that the deadline to file an Answer to the Complaint in this matter be extended by ninety (90) days. Mr. Killian advises that such extensions have previously been granted in similar circumstances. Please let me know if this request requires some more formal submission or whether this email will suffice. Thank you.

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