

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

In the Matter of:)
)
)
Portsmouth Boating Center, Inc.)
1244 Bay Street)
Portsmouth, Virginia 23707)

Docket No.: CWA-03-2011-0099

Respondent.)
)

Joint Motion for One-Week Extension
For Submission of Prehearing Exchanges

JOINT MOTION FOR ONE-WEEK EXTENSION FOR SUBMISSION OF PRE-HEARING EXCHANGES DUE TO UNAVAILABILITY OF REGIONAL PRESIDING OFFICER

Pursuant to the provisions of 40 C.F.R. § 22.7(b) of the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties, counsel for Complainant, the United States Environmental Protection Agency, joined by Respondent's counsel as set forth below, moves for a seven (7) day extension of time to the December 16, 2011, deadline for submission of Complainant's Prehearing Exchange set forth in the Chief Administrative Law Judge's November 3, 2011 Prehearing Order for the above-referenced matter. Complainant, joined by Respondent's counsel, further moves for a seven (7) day extension for filing of Respondent's Prehearing Exchange. If the Chief Administrative Law Judge grants this motion, the new deadline for filing of Complainant's Prehearing Exchange, or in the alternative, filing of a Consent Agreement and Final Order with the Regional Hearing Clerk, would be December 23, 2011, and the new deadline for filing of Respondent's Prehearing Exchange, if a Consent Agreement and Final Order is not filed with the Regional Hearing Clerk by December 23, 2011, would be January 13, 2012.


The reason for this motion is the unavailability of the Regional Judicial Officer/Presiding Officer for EPA Region III during the week of December 12 through 16, 2011, who this week notified the Office of Regional Counsel that she is scheduled to work on only one day next week (Tuesday, December 13, 2011). Complainant, on this day, proffered a Consent Agreement and proposed Final Order to Respondent to resolve the matter, such Consent Agreement and proposed Final Order having been drafted with the expectation that the Regional Judicial Officer would be available throughout the week of December 12. Given the Regional Judicial Officer's unavailability, the one-week

extension is necessary to afford Respondent reasonable time to review the Consent Agreement and time to deliver the signed original Consent Agreement to Complainant for presentation to the Regional Judicial Officer for her approval when she returns to work during the week of December 19, 2011.

Complainant has discussed this proposed Motion with Respondent's counsel who has reviewed it, approved it, and given Complainant's counsel permission to represent that Respondent's counsel joins this motion.

WHEREFORE Complainant and Respondent now hereby move for a seven (7) day extension to the deadlines for both parties to file its prehearing exchange or for filing of a Consent Agreement and Final Order with the Regional Hearing Clerk, as set forth in the Chief Administrative Law Judge's Prehearing Order .

December 9, 2011
Date



Suzanne M. Parent, Esq.
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EPA Region III
1650 Arch Street
Philadelphia, PA 19103-2029

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CERTIFICATE OF SERVICE

I hereby certify that the original and one copy of the foregoing Joint Motion for One-Week Extension for Submission of Prehearing Exchanges in the above-captioned matter have been filed with the EPA Region III Regional Hearing Clerk and that copies of the Joint Motion were sent via UPS to:

The Honorable Judge Susan L. Biro
U.S. EPA, Office of Administrative Law Judges
1099 14th St., NW
Suite 350
Washington, DC 20005

Daniel J. Van Orman, Esq.
1028 Naval Avenue
Portsmouth, VA 23704

I further certify that I have sent a copy of the Motion by electronic pdf to the Honorable Susan L. Biro (care of Maria Whiting-Beale) and to Respondent's Counsel Daniel Van Orman on this day, December 9, 2011.

December 9, 2011
Date

Suzanne M. Parent
Suzanne M. Parent, Esq.
Sr. Assistant Regional Counsel
U.S. Environmental Protection Agency, Region III



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

BEFORE THE ADMINISTRATOR

In the Matter of:
Portsmouth Boating Center, Inc.
1244 Bay Street
Portsmouth, Virginia 23707
Respondent.

Docket No.: CWA-03-2011-0099

ORDER

Upon consideration of the Joint Motion for One-Week Extension for Submission of Prehearing Exchanges, for good cause shown and the representation that counsel for Respondent supports the Motion, it is hereby

ORDERED that the Motion is GRANTED, Complainant and Respondent shall each submit its prehearing exchange in the above-captioned matter by December 23, 2011, and January 13, 2012, respectively, or in the alternative, file a Consent Agreement and Final Order to resolve the matter with the Regional Hearing Clerk by December 23, 2011.

ENTERED this ___ day of ___, 2011

Susan L. Biro
Chief Administrative Law Judge