

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5

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In the Matter of: )  
)  
) **Docket No. CWA-05-2013-0003**  
)  
**Polo Development, Inc.,** )  
**AIM Georgia, LLC, and** )  
**Joseph Zdrilich,** )  
)  
**Respondents.** )  
\_\_\_\_\_ )

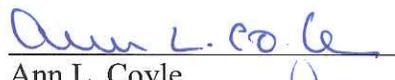
**ORDER GRANTING MOTION FOR EXTENSION OF TIME**

On February 12, 2013, Respondents Polo Development, Inc., and AIM Georgia, LLC, filed a "Joint Motion for Extension of Time to Answer the U.S. EPA's Proposed Assessment of a Class II Civil Penalty Under Section 309(g) of the Clean Water Act" (Motion).<sup>1</sup> The Motion seeks an extension of time through and including March 7, 2013, to file their answers. Respondent AIM Georgia's answer was due on February 13, 2013. Proof of service of the Complaint on Respondent Polo Development is not in the record;<sup>2</sup> however, the Memorandum in Support of the Motion states Polo Development's answer was due on or about February 28, 2013, as a result of delayed service. Respondents assert that the purpose of the extension of time is to collect information, confer with EPA and possibly engage in informal settlement negotiations. Complainant has not filed a response to this Motion.

Pursuant to 40 C.F.R. § 22.7(b) and for good cause shown, Respondent's unopposed Motion for Extension of Time is GRANTED. Respondents will have until and including **March 7, 2013**, in which to answer the Complaint or otherwise plead in this matter.

**IT IS SO ORDERED.**

Date: March 1, 2013

  
Ann L. Coyle  
Regional Judicial Officer  
U.S. EPA Region 5

<sup>1</sup> Respondent Zdrilich separately filed an Answer to the Complaint in this matter.

<sup>2</sup> The return receipts for Respondents AIM Georgia and Zdrilich were addressed to and received by the Regional Hearing Clerk. I have no reason to believe that EPA would have addressed the return receipt for Respondent Polo Development differently. Absent other information, I attribute the lack of filed proof of service to a delay in the mail, rather than a procedural error on the part of EPA.

In the matter of: Polo Development, Inc., AIM Georgia, LLC, and Joseph Zdrilich  
Docket No.: CWA-05-2013-0003

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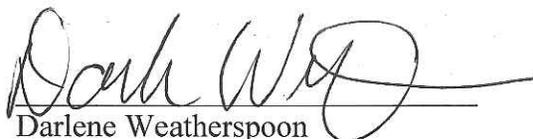
CERTIFICATE OF SERVICE

I certify that I filed with the Regional Hearing Clerk the original and one copy of the foregoing **ORDER GRANTING MOTION FOR EXTENSION OF TIME**, dated March 1, 2013, by hand delivery at the following address:

LaDawn Whitehead  
Regional Hearing Clerk  
U.S. Environmental Protection Agency, Region 5  
77 W. Jackson Boulevard (E-19J)  
Chicago, Illinois 60604

On the 1<sup>st</sup> day of March 2013.

By:



Darlene Weatherspoon  
Administrative Program Assistant  
Office of Regional Counsel

**In the matter of: Polo Development, Inc., AIM Georgia, LLC, and Joseph Zdrilich  
Docket No.: CWA-05-2013-0003**

**CERTIFICATE OF SERVICE**

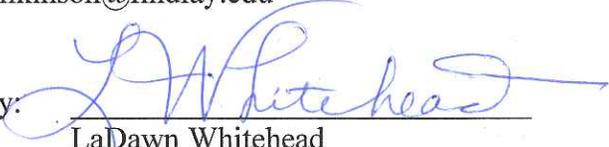
I certify that I sent the foregoing **ORDER GRANTING MOTION FOR EXTENSION OF TIME**, dated March 1, 2013, to the following people in the following manner:

Copy, by EPA internal mail, to: Ann L. Coyle  
Regional Judicial Officer  
U.S. Environmental Protection Agency, Region 5  
77 W. Jackson Boulevard (C-14J)  
Chicago, Illinois 60604

Copy, by EPA internal mail, to attorney for Complainant: Richard J. Clarizio  
Associate Regional Counsel  
U.S. Environmental Protection Agency, Region 5  
77 W. Jackson Boulevard (C-14J)  
Chicago, Illinois 60604

Copy, by electronic mail and certified mail, return-receipt requested: Grant W. Wilkinson  
Wilkinson & Associates, LLC  
P.O. Box 9005  
Maumee, Ohio 43537  
Receipt no:  
wilkinson@findlay.edu

On the 1 day of March 2013.

By:   
LaDawn Whitehead  
Regional Hearing Clerk  
U.S. Environmental Protection Agency, Region 5

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