



LINDABURY

McCORMICK, ESTABROOK & COOPER, P.C.

Attorneys at Law

David R. Pierce, Esq.
dpierce@lindabury.com
908-233-6800 Ext. 2352

September 5, 2017

(Via Federal Express)

Helen S. Ferrara, Regional Hearing Officer
U.S. Environmental Protection Agency – Region 2
290 Broadway – 16th Floor
New York, New York 10007-1866

Re: In the Matter of Betts Environmental Services Corporation,
Respondent
Proceeding under the Toxic Substances Control Act, as amended
Docket No. TSCA-02-2017-9104

Dear Ms. Ferrara:

Please be advised that our office represents the Respondent, Betts Environmental Services Corporation in the above referenced matter.

Enclosed please find an original and copy of Motion For Extension of Time to Respond to Complaint and Request a Hearing Pursuant to 40 C.F.R. §22.7(b) together with proposed form of Order Granting Motion For Extension of Time To Respond to Complaint and Request a Hearing. Kindly file the original and return the copy marked “filed” in the enclosed, stamped envelope.

Thank you for your kind attention and courtesies in this matter.

Very truly yours,

LINDABURY, McCORMICK, ESTABROOK & COOPER, P.C.


David R. Pierce

DRP:pdp

Enclosures

c: ✓ Regional Hearing Clerk, USEPA (w/encls.) *(Via Federal Express)*
Bruce Aber, Esq., Assistant Regional Counsel-USEPA (w/encls.) *(Via Federal Express)*
Betts Environmental Services Corporation (w/encls.)



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www.lindabury.com

53 CARDINAL DRIVE | P.O. BOX 2369 | WESTFIELD, NJ 07091-2369 | (908) 233-6800 | FAX (908) 233-5078
SUMMIT, NJ | RED BANK, NJ | NEW YORK, NY | PHILADELPHIA, PA

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Region 2

In the Matter of

**Betts Environmental Services
Corporation,**

Respondent.

**Proceeding under the Toxic Substances
Control Act, as amended**

Docket No. TSCA-02-2017-9104

**MOTION FOR EXTENSION OF
TIME TO RESPOND TO COMPLAINT
AND REQUEST A HEARING PURSUANT TO
40 C.F.R. § 22.7(b)**

**MOTION FOR EXTENSION OF TIME TO RESPOND TO COMPLAINT AND REQUEST A
HEARING, WITH THE CONSENT OF USEPA**

NOW COMES BETTS ENVIRONMENTAL SERVICES CORPORATION (“BESC”), Respondent, by and through its attorney, David R. Pierce, Esq. of Lindabury, McCormick, Estabrook & Cooper, P.C., and requests an extension of the deadline for the Respondent to file its Answer to the Complaint and Request a Hearing, and in support thereof states the following:

1. The Complaint in this matter was served via Certified Mail, Return Receipt Requested and was received by Respondent on August 14, 2017.
2. The due date for Respondent’s Answer, pursuant to 40 C.F.R. § 22.15(a), is September 13, 2017.
3. Counsel for both Respondent and Complainant have initially conferred and determined that it is desirable to engage in informal settlement negotiations.
4. Respondent intends to raise an ability to pay defense and that evaluation will require significant time and effort.
5. While the parties desire to engage in informal settlement negotiations, the first available date for the parties to meet is September 27, 2017.
6. Respondent, with the consent of Complainant’s counsel, is requesting an extension of the time to Answer the Complaint and Request a Hearing for sixty (60) days, until November 13, 2017.
7. No prejudice will result to Complainant in granting this request for an extension of time.

8. It will be mutually beneficial to all parties to provide an adequate opportunity to explore informal settlement negotiations.
9. Counsel for Complainant has indicated that he does not oppose this request

WHEREFORE, Respondent respectfully requests that the time to file an Answer to the Complaint and to Request a Hearing be extended for sixty (60) days, until November 13, 2017.

Respectfully submitted,

LINDABURY, McCORMICK, ESTABROOK & COOPER, P.C.
Attorneys for Respondent, Betts Environmental Services
Corporation

By: 
David R. Pierce, Esq.

Dated: September 5, 2017

Designation of Individual Authorized to Accept Service

The following individual is authorized to accept service relating to this proceeding on behalf of Respondent:

David R. Pierce, Eq.
Lindabury, McCormick, Estabrook & Cooper, P.C.
P.O. Box 2369
Westfield, New Jersey 17091
(908) 233-6800
dpierce@lindabury.com

CERTIFICATION OF SERVICE

I, David R. Pierce, of full age, hereby certify as follows:

1. I am an attorney with the law firm of Lindabury, McCormick, Estabrook & Cooper, P.C., attorneys for Respondent, Betts Environmental Services Corporation.

2. On September 5, 2017, I caused to be served, via Federal Express, upon the Regional Hearing Officer, Helen S. Ferrara, U.S. Environmental Protection Agency, Region 2, located at 290 Broadway, 16th Floor, New York, New York 10007-1866, an original and copy of Respondent's Motion For Extension of Time and within Certification of Service in the above referenced matter.

3. On September 5, 2017, I caused to be served, via Federal Express, upon the Regional Hearing Clerk, U.S. Environmental Protection Agency, Region 2, located at 290 Broadway, 16th Floor, New York, New York 10007-1866, a copy of Respondent's Motion For Extension of Time and within Certification of Service in the above referenced matter.

4. Further, on September 5, 2017, I caused to be served, via Federal Express, upon Bruce Aber, Esq., Assistant Regional Counsel, Office of Regional Counsel, U.S. Environmental Protection Agency, Region 2, located at 290 Broadway, 16th Floor, New York, New York 10007-1866, a copy of Respondent's For Extension of Time within Certification of Service.

5. I hereby certify that the foregoing statements made by me are true to the best of my knowledge and belief. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

LINDABURY, McCORMICK, ESTABROOK & COOPER, P.C.
Attorneys for Respondent, Betts Environmental Services
Corporation

By: _____



David R. Pierce, Esq.

Dated: September 5, 2017

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Region 2

In the Matter of

**Betts Environmental Services
Corporation,**

Respondent.

**Proceeding under the Toxic Substances
Control Act, as amended**

Docket No. TSCA-02-2017-9104

**ORDER GRANTING MOTION FOR
EXTENSION OF TIME TO RESPOND TO
COMPLAINT AND REQUEST A HEARING**

ORDER

In accordance with 40 C.F.R. §22.7(b) and 22.16(c) , for good cause shown, the Respondent is granted an extension of time to file an Answer to the Complaint and Request a Hearing on the Complaint. Accordingly, the deadline for Respondent to file an Answer to the Complaint and Request Hearing is extended until the close of business on Monday, November 13, 2017.

Date: _____

Helen S. Ferrara
Regional Judicial Officer