



Fox Rothschild <sup>LLP</sup>  
ATTORNEYS AT LAW

1000 Independence Avenue, Suite 2000  
Philadelphia, Pennsylvania 19106-3630  
Tel: 215-399-3700 Fax: 215-399-3701  
www.foxrothschild.com

REGINALD M. JONES  
Direct Dial: 202-461-3111  
Email Address: RJones@FoxRothschild.com

RECEIVED

2015 MAY 27 AM 10: 24

REGIONAL HEARING CLERK  
EPA REGION III, PHILA. PA

May 26, 2015

**VIA OVERNIGHT DELIVERY**

Regional Hearing Clerk  
U.S. Environmental Protection Agency  
Region III  
1650 Arch Street  
Philadelphia, Pennsylvania 19103-2029

**Re: Second Consent Motion of Respondents to Extend the Time to File Answer and Request for Hearing; Docket No. CWA-03-2015-0112**

Dear Regional Hearing Clerk:

Enclosed for filing please find Respondents WCS Construction, LLC, William C. Smith & Co., and 880 New Jersey Avenue, LLC (collectively, Respondents) Second Consent Motion to Extend the Time to File Answer and Request for Hearing as well as the accompanying (Proposed) Order. Please note that Complainant United States Environmental Protection Agency, Region III, has consented to Respondents' request for this time extension.

Thank you for your attention to this matter. If you have any questions, please feel free to contact me.

Best regards,

Reginald M. Jones  
Sonia Tabriz

Enclosures

**BEFORE THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**  
**Region III**  
**1650 Arch Street**  
**Philadelphia, Pennsylvania 19103-2029**

In The Matter of	)	
	)	
WCS Construction, LLC	)	
William C. Smith & Co., and	)	
880 New Jersey Avenue, LLC,	)	Proceeding to Assess Class II Penalty
1100 New Jersey Avenue, SE	)	Under Section 309(g) of the Clean Water
Suite 1000	)	Act, 33 U.S.C. § 1319(g)
Washington, D.C. 20003,	)	
	)	
Respondents,	)	Docket No.: CWA-03-2015-0112
	)	
Property Located at:	)	
880 New Jersey Avenue, SE	)	
Washington, D.C. 20003	)	
	)	

**SECOND CONSENT MOTION OF RESPONDENTS TO EXTEND THE TIME TO FILE**  
**ANSWER AND REQUEST FOR HEARING**

Respondents WCS Construction, LLC, William C. Smith & Co., and 880 New Jersey Avenue, LLC (collectively, Respondents) respectfully request that the United States Environmental Protection Agency (the EPA) extend the time for Respondents to file their Answer, Request for Hearing, and any other responsive pleading(s) by thirty (30) days to allow Parties to finalize meaningful, ongoing settlement negotiations. Complainant United States Environmental Protection Agency, Region III (the Complainant), by and through Ms. Stefanie D. Shamet, Esq., has consented to this Motion.

1. The Certificate of Service appended to the above-captioned Administrative Penalty Complaint and Notice of Opportunity Request a Hearing is dated March 30, 2015.

2. By Order dated April 29, 2015, the EPA granted Respondents' first Consent Motion to Extend the Time to File Answer and Request Hearing to allow the Parties to continue ongoing settlement negotiations, and thereby set a May 29, 2015 deadline.

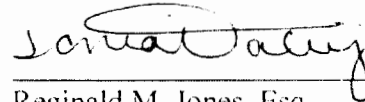
3. On May 13, 2015, Respondents provided a substantive cover letter and supporting documentation to Complainant in furtherance of ongoing settlement negotiations.

4. To finalize meaningful, ongoing settlement negotiations and allow time for the Parties to memorialize any settlement agreement in writing, Respondents request that the EPA grant this Second Consent Motion of Respondents to Extend the Time to File Answer and Request for Hearing.

WHEREFORE, Respondents request that the United States Environmental Protection Agency enter an Order, in the form attached hereto, extending the time for Respondents to file their Answer, Request for Hearing, and any other responsive pleading(s) to June 29, 2015.

Dated: May 26, 2015

Respectfully submitted,



Reginald M. Jones, Esq.  
Sonia Tabriz, Esq.  
**Fox Rothschild LLP**  
1030 15th Street, NW  
Suite 380 East  
Washington, DC 20005  
Phone: (202) 461-3111  
Fax: (202) 461-3102  
rjones@foxrothschild.com  
stabriz@foxrothschild.com  
*Attorneys for Respondents*

**BEFORE THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**  
**Region III**  
**1650 Arch Street**  
**Philadelphia, Pennsylvania 19103-2029**

In The Matter of	)	
	)	
WCS Construction, LLC	)	
William C. Smith & Co., and	)	
880 New Jersey Avenue, LLC,	)	Proceeding to Assess Class II Penalty
1100 New Jersey Avenue, SE	)	Under Section 309(g) of the Clean Water
Suite 1000	)	Act, 33 U.S.C. § 1319(g)
Washington, D.C. 20003,	)	
	)	
Respondents,	)	Docket No.: CWA-03-2015-0112
	)	
Property Located at:	)	
880 New Jersey Avenue, SE	)	
Washington, D.C. 20003	)	
	)	

**[PROPOSED] ORDER**

Having considered the Second Consent Motion of Respondents to Extend the Time to File Answer and Request for Hearing in the above-captioned matter by thirty (30) days, and good cause appearing therefore,

IT IS HEREBY ORDERED THAT Respondents WCS Construction, LLC, William C. Smith & Co., and 880 New Jersey Avenue, LLC shall have up to and including June 29, 2015 to file their Answer, Request for Hearing, and any other responsive pleading(s) to the above-captioned Administrative Penalty Complaint and Notice of Opportunity Request a Hearing.

IT IS SO ORDERED.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Judge

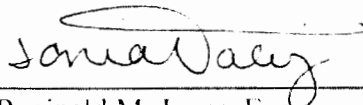
**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing Consent Motion of Respondents to Extend the Time to File Answer and Request for Hearing and [Proposed] Order has been delivered on May 27, 2015 via electronic mail and overnight delivery to:

Stefanie D. Shamet, Esq. (3RC20)  
Senior Assistant Regional Counsel  
U.S. EPA, Region III  
1650 Arch Street  
Philadelphia, Pennsylvania 19103-2029

And, via overnight mail to:

Regional Hearing Clerk (3RC00)  
U.S. EPA, Region III  
1650 Arch Street  
Philadelphia, Pennsylvania 19103-2029



---

Reginald M. Jones, Esq.  
Sonia Tabriz, Esq.  
**Fox Rothschild LLP**  
1030 15th Street, NW  
Suite 380 East  
Washington, DC 20005  
Phone: (202) 461-3111  
Fax: (202) 461-3102  
rjones@foxrothschild.com  
stabriz@foxrothschild.com  
*Attorneys for Respondents*