

# KAPLAN COMPANIES

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Highland Park, NJ 08904  
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E-mail address: [bretk@thinkkaplan.com](mailto:bretk@thinkkaplan.com)

December 18, 2012

VIA OVERNIGHT MAIL  
Karen Maples  
Regional Hearing Clerk  
United States Environmental Protection Agency  
290 Broadway, 16th floor  
New York, NY 10007-1866

U.S. ENVIRONMENTAL  
PROTECTION AGENCY-REG. II  
2012 DEC 19 A 11:09  
REGIONAL HEARING  
CLERK

Re: Docket No. CWA A-02-2012-3312  
IN THE MATTER OF :  
Kaplan and Sons Construction Corp.  
LaMer – Phases 5 & 6/Sayreville, NJ 08859  
NPDES Tracking No. NJG0175757 :  
NJPDES General Permit No. NJG0088323  
Ch. 251 App. No. 0019-0032 and SCD RFA  
No. 12-09-07-001  
Proceeding pursuant to Sections 308 and  
309(a) of the Clean Water Act. 33 U.S.C.  
§§ 1318 and 1319 (a)

Dear Ms. Maples:

I am the Attorney for the Respondent in regard to the above referenced matter. In regard to same, enclosed please find a Motion for Extension of Time to Answer and Request a Hearing. Please be advised that pursuant to the Certificate of Service which is enclosed, copies of same are being sent to the Honorable Helen S. Ferrara via overnight mail and Kara E. Murphy via overnight mail and email.

BRET KAPLAN  
 KAPLAN COMPANIES  
 433 River Road  
 Highland Park, NJ 08904  
 (732) 846-5900 x215 (Phone)  
 (732) 846-4713 (Fax)  
 Attorney for Respondent  
 Kaplan and Sons Construction Corp.

U.S. ENVIRONMENTAL  
 PROTECTION AGENCY-REG. II  
 2012 DEC 19 A 11:09  
 REGIONAL HEARING  
 CLERK

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

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IN THE MATTER OF	:	
	:	
Kaplan and Sons Construction Corp.	:	
433 River Road	:	
Highland Park, NJ 08904	:	
	:	
LaMer – Phases 5 & 6	:	Docket No.
Ernston Road	:	CWA A-02-2012-3312
Sayreville, NJ 08859	:	
	:	
NPDES Tracking No. NJG0175757	:	
NJPDES General Permit No. NJG0088323	:	
Ch. 251 App. No. 0019-0032 and SCD RFA	:	
No. 12-09-07-001	:	
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Proceeding pursuant to Sections 308 and	:	
309(a) of the Clean Water Act. 33 U.S.C.	:	
§§ 1318 and 1319 (a)	:	

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**MOTION FOR EXTENSION OF TIME**

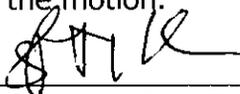
Respondent, Kaplan and Sons Construction Corp., (hereinafter "Respondent") by and through its Counsel respectfully requests an additional thirty (30) day extension of time to file its Answer and Request a Hearing. Therefore, Respondent states as follows:

Respondent received the Administrative Complaint, Findings Violation, Notice of Proposed Assessment of an Administrative Penalty and Notice of Opportunity to Request a Hearing (the "Complaint") on September 26, 2012. On October 23, 2012, Respondent met with Edward J. Gonzalez, Kara Murphy, Esq. and Katherine Mann, all representatives of the United States Environmental Protection Agency (the "EPA"), to review and discuss the Complaint. At this

meeting a settlement agreement was agreed to between the parties which would resolve all allegations against the Respondent contained in the Complaint. At this point, The Honorable Helen S. Ferrara permitted the Respondent to file its Answer to the Complaint by December 26, 2012. A copy of this Order is attached hereto as Exhibit "A". As of the date hereof, I have been advised by Kara Murphy Esq., counsel for the EPA that the settlement agreement is with upper management. Given the fact, we do not have the settlement agreement yet and the principals of the Respondent are leaving the State for an extended holiday vacation, Respondent herein requests the additional thirty (30) days so that it may review and ultimately sign the settlement agreement (which then would remove the necessity of filing an Answer in this matter).

Prior to filing this Motion, the undersigned contacted the Complainant's counsel, Kara Murphy, Esq., as to the extension requested herein and said counsel indicated that she does not oppose the motion.

Dated: 12/18/12

  
\_\_\_\_\_  
By: Bret Kaplan, Esq.  
Attorney for Respondent

**CERTIFICATE OF SERVICE**

I certify that the foregoing Motion for Extension of Time, dated December 18, 2012, was sent this day in the following manner to the addressees listed below:

Original and copy by  
overnight mail to:

Karen Maples  
Regional Hearing Clerk  
United States Environmental  
Protection Agency  
290 Broadway, 16<sup>th</sup> floor  
New York, NY 10007-1866

Copy by overnight mail to:

The Honorable Helen S. Ferrara  
Regional Judicial Officer  
U.S. EPA, Region 2  
290 Broadway, 16<sup>th</sup> floor  
New York, NY 10007-1866

Copy by overnight mail  
and email to:

Kara E. Murphy  
Assistant Regional Counsel  
U.S. EPA, Region 2  
290 Broadway, 16th floor  
New York, NY 10007-1866  
[Murphy.kara@epamail.epa.gov](mailto:Murphy.kara@epamail.epa.gov)

12/18/12  
Dated:

  
\_\_\_\_\_  
Bret Kaplan, Esq.

## EXHIBIT A

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION II

OCT 15 2012

IN THE MATTER OF: :

Kaplan and Sons Construction Corp., :

Respondent :

Docket No. CWA-02-2012-3312

**ORDER GRANTING AN EXTENSION OF TIME TO FILE AN  
ANSWER TO THE COMPLAINT**

By Motion for Extension of Time dated October 5, 2012, Respondent requested, for good cause shown and with the concurrence of Complainant, an extension of time in which Respondent may file an answer to EPA's Complaint. Based on the information provided by the Respondent, an extension through December 26, 2012 is hereby granted.

**Effective Date**

The effective date of this Order shall be the date it is signed by the Regional Judicial Officer, shown below.

Date: October 11, 2012

*Helen S. Ferrara*

Helen S. Ferrara  
Regional Judicial Officer  
U.S. Environmental Protection Agency  
290 Broadway  
New York, N.Y. 10007-1866

OCT 15 2012

**CERTIFICATE OF SERVICE**

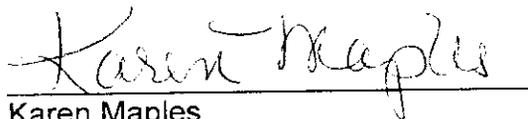
I hereby certify that the **Order Granting An Extension Of Time To File An Answer To The Complaint** by Regional Judicial Officer Helen Ferrara in the matter of **Kaplan and Sons Construction Corp., Docket No. CWA-02-2012-3312**, was served on the parties as indicated below:

First Class Mail -

Bret Kaplan, Esq.  
Kaplan Companies  
433 River Road  
Highland Park, New Jersey 08904

Inter Office Mail -

Kara Murphy, Esq.  
Office of Regional Counsel  
USEPA - Region II  
290 Broadway, 16<sup>th</sup> Floor  
New York, New York 10007-1866



Karen Maples  
Regional Hearing Clerk  
USEPA - Region II

Dated: October 11, 2012