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May 1, 2017

By Federal Express

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

Re: In the Matter of Lourdes Health System, Docket No. RCRA-02-2017-7103

Dear Ms. Ferrara:

This firm represents Respondent Lourdes Health System in the above-captioned matter. Enclosed please find an original and one copy of Lourdes' Motion for Extension of Time to Answer Complaint, Compliance Order and Notice of Opportunity for Hearing, submitted on behalf of Lourdes Health System.

Respectfully submitted,



Ronald M. Varnum

RMV/rhr
Enclosures

cc: Stuart Keith, Esq., Assistant Regional Counsel (via Federal Express)
Karen Maples, Regional Hearing Clerk (via Federal Express)

U.S. Environmental
Protection Agency-Region 2
2017 MAY -2 PM 3:00
REGIONAL HEARING
CLERK

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Region 2**

U.S. Environmental
Protection Agency
Region 2
2017 MAY -2 PM 3:00
REGIONAL HEARING
CLERK

In the Matter of: :
:
Lourdes Health System :
:
Respondent : Docket No. RCRA-02-2017-7103
:
Proceeding Under Section 3008 of the Solid :
Waste Disposal Act, as amended :

**MOTION FOR EXTENSION OF TIME TO ANSWER COMPLAINT, COMPLIANCE
ORDER AND NOTICE OF OPPORTUNITY FOR HEARING**

Respondent Lourdes Health System (“Lourdes”), by its undersigned counsel, respectfully requests an extension of 42 days until June 26, 2017, to file its answer to the Complaint, Compliance Order and Notice of Opportunity for Hearing (“the Complaint”) and to request a hearing on the Complaint, including a hearing on the Compliance Order and the proposed civil penalty included in the Complaint, and in support thereof avers as follows:

1. On April 10, 2017, Lourdes received from EPA the Complaint, which was served on Lourdes by mail.
2. Lourdes’s answer to the Complaint presently is due on May 15, 2017. *See* 40 C.F.R. § 22.15(a) (30 days from service to answer a complaint), § 22.7(c) (providing that service of the complaint is complete upon receipt and extending the time to file a response by 5 days when service is by mail).
3. Lourdes and its counsel have begun to evaluate the allegations in the Complaint, but require some additional time to gather the facts and information necessary to properly evaluate and respond to the allegations in the Complaint. The Complaint includes extensive factual allegations consisting of 84 paragraphs or subparagraphs (Complaint at 2-11), a proposed civil penalty assessment (*id.* at 11-12) and a proposed Compliance Order (*id.* at 12-13). The

allegations in the Complaint arise from inspections at two Lourdes facilities conducted in April 2015 and July 2015, *i.e.* two years ago.

4. Also, some additional time to respond will allow the parties and counsel to discuss whether this matter can be resolved through settlement, without the need to resort to a hearing, which may enable the parties to achieve a more efficient and expeditious resolution of this proceeding and conserve the parties' and the administrative tribunal's resources.

5. Lourdes requests an extension until June 26, 2017, to file its response to the Complaint, including any request for a hearing on the allegations in the Complaint, the Compliance Order, the civil penalty assessment, or any other aspect of the Complaint. Counsel for Lourdes has contacted counsel for EPA regarding this request, and counsel for EPA has indicated that EPA consents to Lourdes's request for extension until June 26, 2017.

WHEREFORE, Lourdes respectfully requests that the deadline to file an answer to the Complaint and request for a hearing on the Complaint, including on the Compliance Order and the proposed civil penalty contained in the Complaint, be extended by 42 days until June 26, 2017.

Respectfully submitted,



Harry Weiss
Ronald M. Varnum
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1735 Market Street, 51st Floor
Philadelphia, Pennsylvania 19103-7599
215-665-8500

*Attorneys for Respondent
Lourdes Health System*

Dated: May 1, 2017

CERTIFICATE OF SERVICE

I hereby certify that on May 1, 2017, I caused the original and one copy of the foregoing Motion for Extension of Time to Answer, Complaint, Compliance Order and Notice of Opportunity for Hearing to be sent by Federal Express to the following:

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

I hereby certify that a true and correct copy of the Motion was also sent by Federal Express to:

Karen Maples
Regional Hearing Clerk
U.S. Environmental Protection Agency, Region 2
290 Broadway, 16th Floor
New York, NY 10007-1866

Stuart Keith, Esq.
Assistant Regional Counsel
U.S. Environmental Protection Agency, Region 2
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Ronald M. Varnum