

July 18, 2024 2:04 pm
USEPA – Region II
Regional Hearing Clerk

From: [Eric E. Tomaszewski](#)
To: [Maples, Karen](#)
Cc: [Killian, Brendan](#)
Subject: RE: New Brunswick MS4 Proposed Assessment of a Civil Penalty Class I (Docket No. CWA-02-2024-3307)
Date: Thursday, July 18, 2024 3:44:37 PM

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Ms. Maples,

As you know, our office represents the City of New Brunswick, New Jersey with respect to the above-referenced matter. For the last few months, I have been in discussions with Mr. Brendan Killian, Water and General Law Branch, EPA R2, to informally resolve the penalty, including the performance of a supplemental environmental project (SEP). Mr. Killian advised yesterday, in response to my request for additional extension of the deadline to file an Answer to the Complaint that:

Yes, my EPA legal management has informed me that EPA will be able to grant an extension of the July 19 deadline. My management feels that an extension of 45 days would be appropriate. As was previously done, to request an extension of the deadline to answer the complaint, New Brunswick can submit a motion to Karen Maples, the EPA Region 2 Regional Hearing Clerk, at maples.karen@epa.gov.

In as much as a formal submission was not required to extend the deadline initially, I am hoping a formal request will not be required for this additional extension. Please let me know if that is not the case. Thank you.

Eric E. Tomaszewski, Esq
McManimon, Scotland & Baumann, LLC
75 Livingston Avenue | 2nd Floor | Roseland, NJ 07068
Direct Dial: 973-622-5162
Email: ETomaszewski@MSBNJ.COM
Website

Connect with MS&B on [LinkedIn](#) | [Twitter](#) | [Instagram](#)

From: Eric E. Tomaszewski
Sent: Tuesday, April 16, 2024 10:56 AM
To: maples.karen@epa.gov
Cc: Killian, Brendan <Killian.Brendan@epa.gov>
Subject: New Brunswick MS4 Proposed Assessment of a Civil Penalty Class I (Docket No. CWA-02-2024-3307)

Ms. Maples,

Our office represents the City of New Brunswick, New Jersey with respect to the above-referenced matter. For the last few weeks, I have been in discussions with Mr. Brendan Killian, Water and General Law Branch, EPA R2, to informally resolve the penalty, including the performance of a supplemental environmental project (SEP). Mr. Killian advised yesterday with respect to the SEP

that:

A SEP will first have to be proposed by New Brunswick and approved by EPA. The ultimate settlement agreement will need a description of the SEP/work that will be performed. EPA requires a schedule that includes a start and completion date, as well as milestones if necessary. The agreement must also include a detailed cost estimate. EPA will want documentation supporting the cost estimate.

In order for New Brunswick to gather the necessary information and documents for including the SEP in the ultimate settlement agreement, I respectfully request that the deadline to file an Answer to the Complaint in this matter be extended by ninety (90) days. Mr. Killian advises that such extensions have previously been granted in similar circumstances. Please let me know if this request requires some more formal submission or whether this email will suffice. Thank you.

Eric E. Tomaszewski, Esq
McManimon, Scotland & Baumann, LLC
75 Livingston Avenue | 2nd Floor | Roseland, NJ 07068
Direct Dial: 973-622-5162
Email: ETomaszewski@MSBNJ.COM
[Website](#)

Connect with MS&B on [LinkedIn](#) | [Twitter](#) | [Instagram](#)

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