### Ballard Spahr

1735 Market Street, 51st Floor Philadelphia, PA 19103-7599 TEL 215.665.8500 FAX 215.864.8999 www.ballardspahr.com Ronald M. Varnum Tel: 215.864.8416 Fax: 215.864.8999 varnumr@ballardspahr.com

June 20, 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' Second 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,

Rull M. V-

Ronald M. Varnum

RMV/rhr Enclosures

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

DMEAST #29879418 v1

# UNITED STATES ENVIRONMENTAL PROTECTION AGENCY Region 2

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

# SECOND 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 30 days until July 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. On May 2, 2017, the Regional Judicial Officer entered an Order granting Lourdes' first request for an extension of time to answer to the Complaint and extending the time to answer until June 26, 2017.
- 3. The parties, through their counsel, have conferred and reached an agreement in principle to settle this matter, and are preparing a written settlement document. However, the parties anticipate they will require some additional time beyond June 26 to finalize and execute the settlement agreement.
- 4. Therefore, Lourdes requests that its deadline to respond to the Complaint be extended by an additional 30 days, until July 26, 2017. An extension will allow the parties to

focus on finalizing and executing the agreement, without Lourdes incurring unnecessary time and expense associated with responding to the Complaint that would otherwise detract from those efforts.

5. Counsel for Lourdes has conferred counsel for EPA regarding this request, and counsel for EPA has indicated that EPA consents to Lourdes's request for extension until July 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 30 days until July 26, 2017.

Respectfully submitted,

Rock M. Va

Harry Weiss

Ronald M. Varnum
BALLARD SPAHR LLP

1735 Market Street, 51st Floor

Philadelphia, Pennsylvania 19103-7599

215-665-8500

Attorneys for Respondent Lourdes Health System

Dated: June 20, 2017

#### **CERTIFICATE OF SERVICE**

I hereby certify that on June 20, 2017, I caused the original and one copy of the foregoing Second 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
290 Broadway, 16th Floor
New York, NY 10007-1866

Ronald M. Varnum