



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

November 4, 2011

BY UPS AND ELECTRONIC MAIL

The Honorable Judge Spencer T. Nissen
U.S. EPA, Office of Administrative Law Judges
1099 14th St., NW
Suite 350
Washington, DC 20005

RE: Joint Motion for Extension of Time to Extend Alternative Dispute Resolution
Docket No. CWA-03-2011-0152

Judge Nissen:

Enclosed is a copy of a Joint Motion for Extension of Time to Extend Alternative Dispute Resolution in the referenced matter. Counsel for Respondent, City of Chesapeake concurs with this Joint Motion.

The Parties will make themselves available at Your Honor's convenience to answer any questions or concerns.

Respectfully,

A handwritten signature in black ink, appearing to read "Douglas Frankenthaler", written over a horizontal line.

Douglas Frankenthaler
Assistant Regional Counsel

Enclosure

cc: Kelly J. Lackey, Esq. (Via Email and UPS)





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1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

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In the Matter of:

City of Chesapeake, Virginia
City Hall Building
306 Cedar Road, 6th Floor
Chesapeake, VA 23322

**Proceeding to Assess Class II
Administrative Penalty Under
Section 309(g) of the Clean Water Act**

Docket No. CWA-03-2011-0152

**Motion for Extension
of Time**

**JOINT MOTION FOR EXTENSION OF TIME
TO EXTEND ALTERNATIVE DISPUTE RESOLUTION**

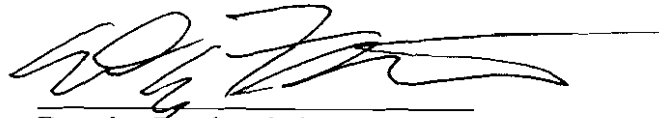
Pursuant to the provisions of 40 C.F.R. § 22.7(b) of the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits, counsel for Complainant, the United States Environmental Protection Agency, joined by Respondent, move for a thirty (30) day extension of time to the November 9, 2011 deadline for completing Alternative Dispute Resolution ("ADR") set forth in the Administrative Law Judge Nissen's October 7, 2011, Order Granting Joint motion Requesting Extension of Alternative Dispute Resolution Process for the above-referenced case. Should the ADR Neutral grant this motion, the new deadline for completing ADR would be December 9, 2011.

The reason for this Motion is that the parties continue to be engaged in good faith negotiations toward possible settlement, and since the last extension have been engaged in additional settlement discussions and information sharing, including discussions of settlement proposals. The parties have conferred and concluded that additional discussions, information sharing and time to determine if a settlement can be reached is warranted.

The parties believe that if ADR is extended for an additional thirty days, the parties may be able to continue to make significant progress toward a settled resolution.

WHEREFORE Complainant and Respondent now hereby move for a thirty (30) day extension to the November 9, 2011, ADR deadline set forth in the Administrative Law Judge's October 7, 2011 Order Granting Joint motion Requesting Extension of Alternative Dispute Resolution Process.

11/4/11
Date


Douglas Frankenthaler
Assistant Regional Counsel
EPA Region III
1650 Arch Street
Philadelphia, PA 19103-2029

CERTIFICATE OF SERVICE

I hereby certify that the original and one copy of the foregoing **Motion for Extension of Time to Extend Alternative Dispute Resolution** for *I/M/O City of Chesapeake*, Docket No. CWA-03-2011-0152, has been filed with the EPA Region III Regional Hearing Clerk and that copies of the Joint Motion were sent via UPS and electronic mail to:

The Honorable Judge Spencer T. Nissen
U.S. EPA, Office of Administrative Law Judges
1099 14th St., NW
Suite 350
Washington, DC 20005
By Electronic Mail Honorable Spencer T. Nissen (care of Knolyn Jones)

and

Ms. Kelly J. Lackey, Esq.
Assistant City Attorney
City of Chesapeake
306 Cedar Road
Chesapeake, VA 23322

Date

11/4/11



Douglas Frankenthaler
Assistant Regional Counsel
U.S. Environmental Protection
Agency, Region III