

# KAPLAN

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## COMPANIES

433 River Road  
Highland Park, NJ 08904  
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(732) 846-4713 FAX  
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October 5, 2012

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

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.

U.S. ENVIRONMENTAL  
PROTECTION AGENCY-REG.II  
2012 OCT -9 A 11: 33  
REGIONAL HEARING  
CLERK

Karen Maples  
Regional Hearing Clerk  
October 5, 2012  
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If anything further is required, please contact the undersigned directly.

Respectfully submitted,



Bret Kaplan, Esq.

BK:pd

Encl

cc: Michael Kaplan  
Jason Kaplan  
Ronald S. Blumstein, General Counsel  
US EPA, Karen Maples, Regional Hearing Clerk  
US EPA, The Honorable Helen S. Ferrara, Regional Judicial Officer  
US EPA, Kara E. Murphy, Assistant Regional Counsel

U.S. ENVIRONMENTAL  
PROTECTION AGENCY-REG.11  
2012 OCT -9 A 11: 33  
REGIONAL HEARING  
CLERK

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.

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.
Ernstson 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	:	
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**

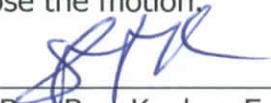
Respondent, Kaplan and Sons Construction Corp., (hereinafter "Respondent") by and through its Counsel respectfully requests an additional sixty (60) day extension of time to file its Answer and Request a Hearing. Therefore, Respondent states as follows:

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. The Complaint alleges a number of violations that require Respondent to perform extensive fact finding review and review of all applicable regulations. Therefore, Respondent needs additional time to perform the review as well as other fact

finding necessary to clearly and directly answer each factual allegation contained in the Complaint in order to comply with 40 C.F.R. §22.15(b). Moreover, Respondent requests additional time to engage in an informal settlement conference with the Complainant. Respondent and Complainant also need to establish a date for an informal settlement conference.

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: 10/5/12

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

**CERTIFICATE OF SERVICE**

I certify that the foregoing Motion for Extension of Time, dated October 5, 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)

10/5/12

\_\_\_\_\_  
Dated:



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