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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION III

1650 Arch Street

Philadelphia, Pennsylvania 19103-2029

2011 SEP 14 PM 4: 14

TECHNICAL HEARING CLERK  
EPA REGION III PHILA. PA

<b>In the Matter of:</b>	)	<b>Docket No.: CWA-03-2011-0099</b>
	)	
	)	
<b>Portsmouth Boating Center, Inc.</b>	)	
<b>1244 Bay Street</b>	)	
<b>Portsmouth, Virginia 23707</b>	)	
	)	
	)	
<b>Respondent.</b>	)	<b>Motion for Extension</b>
	)	<b>of Time</b>

**JOINT MOTION FOR EXTENSION OF TIME  
TO PURSUE 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, counsel for Complainant, the United States Environmental Protection Agency, joined by Respondent’s counsel as set forth below, move for a twenty-one (21) day extension of time to the September 16, 2011 deadline for completing Alternative Dispute Resolution (“ADR”) set forth in the Chief Administrative Law Judge’s July 19, 2011 Order Extending Alternative Dispute Resolution Process for the above-referenced matter. Should the ADR Neutral grant this motion, the new deadline for completing ADR would be October 7, 2011.

The reason for this motion is that the parties have made progress in their settlement negotiations and hope for further progress with the further assistance of the ADR process. On September 9, 2011, Complainant sent Respondent a counteroffer regarding the assessed penalty for the above-referenced matter. The twenty-one (21) day extension will provide Respondent with a sufficient amount of time to respond to Complainant’s counteroffer.

Complainant has discussed this proposed Motion with Respondent’s counsel who has reviewed it, approved it, and given Complainant’s counsel permission to represent that Respondent’s counsel joins this motion.

WHEREFORE Complainant and Respondent now hereby move for a twenty-one (21) day extension to the September 16, 2011 deadline set forth in the Chief

Administrative Law Judge's July 19, 2011 Order Extending Alternative Dispute Resolution Process to extend the time to complete ADR until October 7, 2011.

9/14/11

Date



Suzanne M. Parent, Esq.  
Sr. Asst. Reg. Counsel  
EPA Region III  
1650 Arch Street  
Philadelphia, PA 19103-2029

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**Respondent.** ) **Motion for Extension**  
) **of Time**

**CERTIFICATE OF SERVICE**

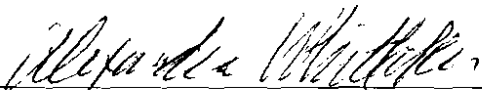
I hereby certify that the original and one copy of the foregoing Motion for Extension of Time to Pursue Alternative Dispute Resolution in the above-captioned matter have been filed with the EPA Region III Regional Hearing Clerk and that copies of the Joint Motion were sent via UPS to:

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

Daniel J. Van Orman, Esq.  
1028 Naval Avenue  
Portsmouth, VA 23704

I further certify that I have sent a copy of the Motion by electronic pdf to the Honorable Spencer T. Nissen (care of Knolyn Jones) and to Respondent's Counsel Daniel Van Orman on this day, September 14, 2011.

9-14-11  
Date

  
\_\_\_\_\_  
Alexandra L. Whittaker  
U.S. Environmental Protection  
Agency, Region III

**UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY**

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	)
	)
<b>Respondent.</b>	)
	)

**ORDER**

Upon consideration of the Joint Motion for Extension of Time of Complainant and Respondent, for good cause shown and the representation that counsel for Respondent supports the Motion, it is hereby

ORDERED that the Motion is GRANTED and the parties shall be able to continue the Alternative Dispute Resolution Process in the above-captioned matter until October 7, 2011.

ENTERED this \_\_\_\_\_ day of \_\_\_\_\_, 2011

\_\_\_\_\_  
Hon. Spencer T. Nissen  
Administrative Law Judge

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