

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 2

In the Matter of: )  
)  
Jane Casler, d/b/a Casler Farm, )  
)  
Respondent. )

Docket No. CWA-02-2014-3305

U.S. Environmental  
Protection Agency-Reg 2  
2014 SEP 25 AM 11:56  
REGIONAL HEARING  
CLERK

**JOINT MOTION FOR THIRD EXTENSION  
OF TIME TO FILE THE ANSWER**

The complaint in the above matter was filed by Complainant, United States Environmental Protection Agency ("EPA") on June 24, 2014, and received by Respondent on June 27, 2014. Accordingly, Respondent's answer was due on or before July 28, 2014. By joint motion, dated July 10, 2014, the parties requested an extension of time of 30 days for Respondent to file her answer. That motion was granted on July 16, 2014, and, accordingly, the answer became due on August 27, 2014. By a second joint motion, dated August 22, 2014, the parties requested another extension of time of 30 days for Respondent to file her answer. That motion was granted on September 4, 2014, and, accordingly, the answer became due on September 26, 2014.

As reported in the second joint motion, the parties have been regularly and productively communicating about the final form of the settlement, and have agreed in principle on a cash penalty and Supplemental Environmental Project ("SEP"). Due to the nature of the SEP, namely, *inter alia*, a ten-year promise to conserve land adjacent to a tributary on Respondent's farm in order to protect water quality, the parties are seeking a legal mechanism to ensure the enforceability of that promise. Respondent is currently investigating the option of having a nearby Soil Conservation District act as the beneficiary of a conservation easement, and should be able to determine whether that is possible within the next few days. Should that not be available, the parties have agreed in principle to a final agreement that would make the SEP enforceable through other means, including reporting, signage and stipulated penalties.

Both parties believe that resolution of this outstanding issue is imminent, and will be followed with the drafting of a Consent Agreement and Final Order to memorialize the settlement. Therefore, on behalf of the parties, Complainant hereby moves for a 60-day extension of the date to file an answer, so the answer would be due on November 25, 2014.

Respectfully submitted by



Chris Saporita  
Assistant Regional Counsel  
U.S. Environmental Protection Agency  
290 Broadway  
New York, NY 10007  
212-637-3203

Dated: September 25, 2014

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CERTIFICATE OF SERVICE

I certify that the foregoing **Joint Motion for Extension of Time to File the Answer**, dated September 25, 2014, was sent this day in the following manner to the addressees listed below:

Original and One Copy  
By Hand:

Office of Regional Hearing Clerk  
U.S. Environmental Protection Agency, Region 2  
290 Broadway, 16th floor  
New York, New York 10007-1866

Copy By Hand:

Helen S. Ferrara  
Regional Judicial Officer  
U.S. Environmental Protection Agency, Region 2  
290 Broadway  
New York, NY 1007-1866

Copies by First Class Mail:

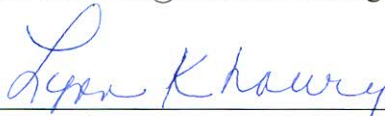
Jane Casler  
691 Babcock Hill Road  
West Winfield, NY 13491

Timothy Wimmer  
Resource Conservation Specialist  
Oneida County SWCD  
121 Second Street  
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Copy by Email:

Timothy Wimmer  
Resource Conservation Specialist  
Oneida County SWCD  
tim-wimmer@oneidaswcd.org

Dated: 9/25/2014

  
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Lynn Khoury  
Secretary  
U.S. Environmental Protection Agency  
290 Broadway  
New York, NY 10007