

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION I

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Office of Regional Hearing Clerk

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In the Matter of: )  
 )  
JPAA Chen Services, L.L.C. )  
258-02 Pembroke Avenue )  
Great Neck, NY 11020 )  
 )  
 )  
 )  
Respondent. )  
\_\_\_\_\_ )

Docket Number:  
TSCA-01-2015-0042

**THIRD MOTION FOR EXTENSION  
TIME IN WHICH TO ANSWER THE  
ADMINISTRATIVE COMPLAINT**

Proceeding Under Section 309(g)(2)(B) of  
the Clean Water Act and Section 3008(a) of  
the Resource Conservation and Recovery  
Act

**I. NEED FOR AN EXTENSION**

On or about April 7, 2015, JPAA Chen Services, L.L.C. (“JPAA”) received the Administrative Complaint and Notice of Opportunity for Hearing in the above-captioned matter. A First Motion for Extension of Time in Which to Answer the Administrative Complaint was granted through June 8, 2015. Thereafter a Second Motion for Extension of Time in Which to Answer the Administrative Complaint was granted through August 8, 2015. On July 15, 2015 Respondent and its counsel travelled to Boston to negotiate the settlement of the Administrative Complaint. The Settlement Conference was productive and counsel for the Respondent believes that the matter will be resolved in full by September 8, 2015. Therefore, JPAA requests an extension of the deadline for filing an answer to the administrative complaint through and including September 8, 2015.

This extension is necessary to clarify Supplemental Environmental Projects that the Respondent will undertake to offset the penalty and to draft the Consent Agreement and Final

Order. To finalize the CAFO and clarify the scope the SEPs, technical input from Molly Magoon, Environmental Protection Specialist, United States Environmental Protection Agency, is necessary, but she has indicated that she is unavailable through the current deadline. It would impose an unnecessary and wasteful financial burden on JPAA to require preparation of an answer to the Administrative Complaint if, as appears likely, settlement of this matter and full compliance with the relevant regulations can be achieved without having to do so. The requested extension should provide sufficient time to determine if a settlement is likely.

Legal counsel for EPA Region I, Kathleen Woodward, has indicated that she has no objections to this extension of time in which to answer the Administrative Complaint, until September 8, 2015.

## **II. AUTHORITY TO GRANT AN EXTENSION**

The Presiding Officer may grant an extension of time for filing any document, including a written answer to an administrative complaint, upon timely motion of a party to the proceeding, for good cause shown, and after consideration of prejudice to other parties, under the Consolidated Rules of Practice, 40 C.F.R. §22.7(b). This Motion is made sufficiently in advance of the due date of August 8, 2015 to allow other parties to respond and to allow the Presiding Officer to issue an Order, especially in light of the acquiescence of EPA counsel to issuance of the requested extension.

## **III. REQUEST FOR EXTENSION**

Because there is no prejudice to any other party and there is good cause for an extension of time in which to file an Answer to the Administrative Complaint, JPAA respectfully

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION I

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In the Matter of:	)	Docket Number:
	)	TSCA-01-2015-0042
JPAA Chen Services, L.L.C.	)	
258-02 Pembroke Avenue	)	
Great Neck, NY 11020	)	<b>Order Granting the Extension of Time</b>
	)	<b>To File Answer</b>
	)	<b>To Administrative Complaint</b>
	)	
	)	Proceeding Under Section 309(g)(2)(B) of
	)	the Clean Water Act and Section 3008(a) of
	)	the Resource Conservation and Recovery
	)	Act
Respondent.	)	
_____	)	

**ORDER**

In accordance with 40 C.F.R. §§ 22.07(B) and 22.16(c), for good cause shown, the time for Respondent to file an answer is extended to the close of business on September, 8, 2015.

DATED: \_\_\_\_\_

\_\_\_\_\_  
Sharon T. Wells  
Regional Judicial Officer

**In the matter of: JPAA Chen Services, L.L.C.**

**Docket No. TSCA-01-2015-0042**

**CERTIFICATE OF SERVICE**

I hereby certify that copies of the foregoing THIRD MOTION FOR EXTENSION OF TIME IN WHICH TO ANSWER THE ADMINISTRATIVE COMPLAINT in the matter of JPAA Chen Services, L.L.C., TSCA-01-2015-0042, were sent to the following persons in the manner indicated:

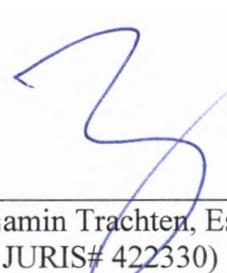
Original and one copy by Federal Express:

Ms. Wanda Santiago  
Regional Hearing Clerk  
U.S. Environmental Protection Agency  
Region I  
5 Post Office Square, Suite 100 (ORA18-1)  
Boston, Massachusetts 02109-3912

Copy by First Class Mail and email:

Kathleen E. Woodward  
Senior Enforcement Counsel  
U.S. Environmental Protection Agency  
Region I  
5 Post Office Square, Suite 100 (OES04-2)  
Boston, Massachusetts 02109-3912

Dated: July 24<sup>th</sup>, 2015



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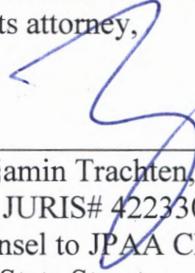
Benjamin Trachten, Esq.  
(CT JURIS# 422330)  
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679 State Street  
New Haven, CT 06511  
(203)865-0101  
(203)865-9086  
ben@trachtenlaw.com

requests that the time for filing an Answer to this Complaint be extended to September 8, 2015.

Respectfully Submitted,

JPAA CHEN SERVICES, L.L.C.

By its attorney,



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Benjamin Trachten, Esq.

(CT JURIS# 422330)

Counsel to JPAA Chen Services, L.L.C.

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DATED: July 28, 2015