



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

July 18, 2011

By Hand

Lydia Guy
Regional Hearing Clerk (3RC00)
U.S. EPA, Region III
1650 Arch Street
Philadelphia, PA 19103-2029

Re: Motion to Extend Alternative Dispute Resolution
In the Matter of: Portsmouth Boating Center
Docket No.: CWA-03-2011-0099

Dear Ms. Guy:

Enclosed for filing is a motion for an extension of time to pursue alternative dispute resolution. An extra copy of the motion is also enclosed.

Sincerely,

A handwritten signature in cursive script, appearing to read "Suzanne M. Parent".

Suzanne M. Parent
Sr. Assistant Regional Counsel

Copy: Daniel Van Orman, Esq.





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

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

**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 sixty (60) day extension of time to the July 18, 2011 deadline for completing Alternative Dispute Resolution ("ADR") set forth in the Chief Administrative Law Judge's May 18, 2011 Order Initiating Alternative Dispute Resolution Process and Appointing Neutral for the above-referenced matter. Should the ADR Neutral grant this motion, the new deadline for completing ADR would be September 16, 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. In addition, due to a scheduling error, a July 14, 2011 ADR session with the ADR Neutral was cancelled.

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 sixty (60) day extension to the July 18, 2011 deadline set forth in the Chief Administrative Law

**UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY**

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Portsmouth, Virginia 23707)
)
)
Respondent.)
)

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 September 16, 2011.

ENTERED this _____ day of _____, 2011

Hon. Spencer T. Nissen
Administrative Law Judge

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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 14th 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, July 18, 2011.

July 18, 2011
Date



Suzanne M. Parent, Esq.
Sr. Assistant Regional Counsel
U.S. Environmental Protection
Agency, Region III