

COUNTY OF HENRICO

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July 6, 2011

BY OVERNIGHT COURIER

The Honorable Susan L. Biro, Chief Administrative Law Judge
Office of Administrative Law Judges
U.S. Environmental Protection Agency
1099 14th Street, N.W., Suite 350
Washington, D.C. 20005

In The Matter Of: Henrico County, Docket No. CWA-03-2011-0139

Dear Judge Biro:

Enclosed, please find the County's Motion for an Extension of Time.

Thank you for your consideration of this matter.

Yours truly,



Benjamin A. Thorp

Enclosure

cc: Pamela J. Lazos, Esq.

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

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In the Matter of:) Proceeding to Assess Class II
) Administrative Penalty Under
) Section 309(g) of the Clean Water Act
Henrico County, Virginia)
4301 East Parham Road) Docket No. CWA-03-2011-0139
Henrico, Virginia 23228)
) **MOTION FOR**
Respondent) **EXTENSION OF TIME**

Respondent, County of Henrico, Virginia ("County"), by counsel, respectfully requests an extension of eight weeks for the deadlines in the Scheduling Order applicable to both parties. In support of this Motion, the County states the following:

1. Counsel for EPA agrees with and supports the County's Motion.
2. EPA and the County are engaged in productive settlement negotiations and believe this matter is likely to be settled. In support of this assertion, the County notes that the parties, including non-attorney staff, have already communicated to each other their respective legal positions as well as their understanding of the facts pertinent to this case. After this discussion, both EPA's counsel and enforcement staff requested that the County submit a letter to the EPA containing a counter offer along with documentation supporting the County's factual claims. The County is currently in the process of drafting this letter and assembling the supporting documentation.
3. Counsel for EPA is scheduled to be out of town, on vacation, during the first week of July and again from August 15 to September 1, 2011. Similarly, counsel for the County is planning a vacation out of town during late August,

2011. These schedules render preparation for a hearing in concert with the Scheduling Order exceedingly difficult.

In conclusion, the County, with EPA's support, respectfully requests an eight week extension of all the deadlines in the pending scheduling order in the above-referenced proceeding. Such an extension will further the most efficient use of the resources of this tribunal, as well properly permit the County and EPA to direct their resources to resolving this matter amicably.

Respectfully Submitted,

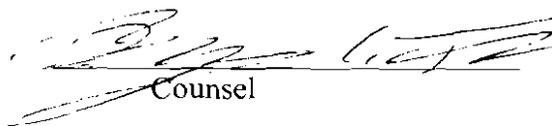
COUNTY OF HENRICO, VIRGINIA

By: 

Benjamin A. Thorp (VSB No. 45931)
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Telephone: (804) 501-4337
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Counsel for Henrico County, Virginia

CERTIFICATE OF SERVICE

I hereby certify that on July 6, 2011, I caused the original and one true copy of the foregoing document to be filed the next day by overnight courier with Hon. Susan L. Biro, Chief Administrative Law Judge, Office of Administrative Law Judges, U.S. Environmental Protection Agency, 1099 14th Street, N.W., Suite 350, Washington, D.C. 20005, and, further, that on that same day I also caused a true copy of the foregoing document to be served by overnight courier on Pamela J. Lazos (3RC20), U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103-2029.


Counsel