

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Office of Administrative Law Judges
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460

In the Matter of:

:
: Proceeding to Assess Class II
: Administrative Penalty Under
: Section 309(g) of the Clean Water Act

City of Portsmouth, Virginia

:
: Docket No. CWA-03-2014-0240

Respondent.

:
: **JOINT MOTION FOR**
: **AN EXTENSION OF TIME IN WHICH**
: **TO FILE A CONSENT AGREEMENT**
: **AND FINAL ORDER**
:

JOINT MOTION

Pursuant to 40 C.F.R. sections 22.7(b) and 22.16, and in response to the Initial Prehearing Order dated November 13, 2014, the parties to this matter jointly request an extension of time in which to file a Consent Agreement and Final Order ("CAFO").

Although the parties have reached an agreement in principle to settle this matter, the parties are working through the process of committing that agreement to writing and obtaining the approval of all necessary persons in both the Environmental Protection Agency ("EPA" or "the Agency") and the City of Portsmouth ("the City").

Despite counsel for both parties' diligent work on settlement documents, the respective processes required by both at the Agency and the City necessarily will take more time than that provided in the Initial Prehearing Order. Specifically, the City must have any settlement documents approved by the City Council; the first meeting at which the City's undersigned counsel can submit such documents is scheduled for December 9, 2014. After the City Council

approves the documents, the City Manager also must agree. For EPA, any settlement documents must be signed by both the Director of the Water Protection Division and the Regional Administrator, who will need to be briefed on the matter prior to their signing the documents.

The undersigned counsel for both EPA and the City believe that, using our respective best efforts, we can complete the process of obtaining all necessary signatures by December 19, 2014. Therefore, the undersigned respectfully and jointly request an extension of time from December 1, 2014 to December 19, 2014 in which to file a CAFO in this matter.

For the foregoing reasons demonstrating good cause shown and no prejudice to any party, the undersigned respectfully request that the court GRANT this joint motion.

Respectfully submitted this 14th day of November, 2014.

For Complainant:



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For Respondent:



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Dated: November 14, 2014

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing Joint Motion for Extension of Time were served on the following persons by U.S. Mail and electronic mail.

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Kelly Gable

Date: November 14th, 2014