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**JOHN A. CHRISTOPHER**

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October 15, 2009

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Ms. Wanda Rivera  
Regional Hearing Clerk  
U.S. Environmental Protection Agency - Region I  
1 Congress Street, Suite 1100, Mail Code RAA  
Boston, MA 02114

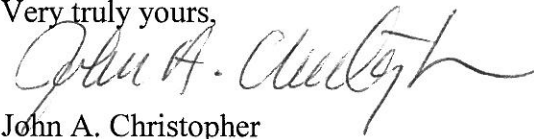
Re: In The Matter Of The City Of Peabody  
Docket No.: 01-2009-0076

Dear Ms. Rivera:

Enclosed herewith please find Motion for Extension of Time in Which to Answer the Administrative Complaint filed on behalf of the City of Peabody in response to the Administrative Complaint and Notice of Opportunity for Hearing filed by Kathleen E. Woodward on behalf of EPA Region I on August 17, 2009. I also enclose the appropriate Proposed Order pertaining to the motion.

Please file this Motion for Extension of Time in Which to Answer the Administrative Complaint in the usual manner.

Very truly yours,

  
John A. Christopher

JAC/mfv

Enclosures

cc: Kathleen E. Woodward, Esq. (via email and first-class mail)

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION I**

RECEIVED

In the Matter of )

Docket No. 01-2009-0076

CITY OF PEABODY )

City Hall )

24 Lowell Street )

Peabody, Massachusetts 01960 )

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EPA REGION I  
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CLERK

RESPONDENT'S MOTION TO  
EXTEND TIME WITHIN  
WHICH TO ANSWER THE  
COMPLAINT PROCEEDING  
UNDER CLEAN WATERS ACT  
SECTION 309(g)(2)(B)

**I. NEED FOR EXTENSION**

On August 17, 2009, the City of Peabody was served an Administrative Complaint pursuant to 309(g)(2)(B) of the Clean Waters Act.

On September 10, 2009, the City of Peabody, through its City Solicitor, Public Services Director, City Engineer, and its Environmental Engineer met with Kathleen Woodward, Esquire and an EPA staff member to discuss settlement.

Substantial progress towards settlement was made at that meeting.

The parties met on September 26, 2009 to resolve any remaining issues necessary to settle this matter, and the parties reached settlement in principle and need only to work through the details of settlement, including special environmental projects.

The Respondent has subsequently made a cash offer to the Petitioner to resolve the proposed penalty, which has been accepted.

Respondent wishes to avoid the expense of litigation and wishes not to utilize judicial resources if settlement is likely.

The Petitioner has assented to a 45 day extension of the time within which Respondent must answer the Complaint.

## II. AUTHORITY TO GRANT EXTENSION

Pursuant to 40 C.F.R. §§ 22, 7(b), the Presiding Officer may grant an extension time for filing any document including an answer to an administrative complaint for good cause shown and in consideration of prejudice to other parties. In this case the parties have made substantial progress toward settlement and the Petitioner has suffered no prejudice as evidenced by its assent to this motion.

## III. REQUEST FOR EXTENSION

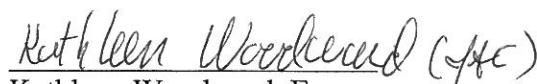
Because there is good cause for an extension and the Petitioner has suffered no prejudice, Respondent requests that the time within which to answer the Administrative Complaint be extended from October 16, 2009 to November 30, 2009

Respectfully Submitted,



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Assented To:



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Senior Enforcement Counsel  
Attorney for the Petitioner  
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Date: October 15, 2009