UNITED STATES ENVIRONMENTAL PROTECTION AGENCY REGION I

Docket No. CWA 01-2009-007

2009 SEP 11 P 2: 14

In the Matter of)
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TOWN OF WINTHROP)
I Metcalf Square)
Winthrop, Massachusetts 02152)
Respondent)

ASSENTED-TO MOTION TO EXTEND TIME TO ANSWER COMPLAINT

Pursuant to 40 CFR 22.7(b), the Respondent, the Town of Winthrop (the "Town"), hereby requests that the Presiding Officer issue an order extending the time period that the Town has to answer the Administrative Complaint in this matter by 14 days from September 14, 2009 to September 28, 2009.

In support of this Motion the Town states that good cause exists for granting an extension of time to file an answer. Although the Town immediately began investigating the facts underlying the allegations in the Administrative Complaint upon receipt, the Town has recently retained outside counsel with environmental expertise to represent its interest in this matter. As a result, the Town requires additional time to work with new counsel and to complete its investigation in order to respond to the factual allegations contained in the Administrative Complaint. In addition, as suggested by the Environmental Protection Agency ("EPA") in its cover letter to the Administrative Complaint, the Town has scheduled a meeting with EPA on September 15, 2009 to

discuss possible settlement of the complaint against the Town. The Town would like to concentrate its efforts and legal budget on these efforts rather than on an administrative proceeding that ultimately may prove unnecessary. The Town's factual investigations remain ongoing, and the requested extension of time will allow more complete development of the material facts at issue. The Town further states that no prejudice will result from the granting of this extension at this early stage where both EPA and the Town will benefit from further development of the facts in this matter. EPA, through its senior enforcement counsel, has assented to this Motion.

WHEREFORE, the Town asks the Presiding Officer to issue an order granting this assented to Motion and extending the time period the Town has to answer the Administrative Complaint in this matter to September 28, 2009.

> THE TOWN OF WINTHROP, By its attorneys,

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September 10, 2009

CERTIFICATE OF SERVICE

I hereby certify that I caused a true copy of the foregoing document to be served by mail upon counsel of record for each party and on the Regional Judicial Officer on September 10, 2009.