

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION I

Docket No. CWA 01-2009-0077

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In the Matter of)
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)
TOWN OF WINTHROP)
1 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 30 days from January 13, 2010 to February 12, 2010. In support of this Motion, the Town states that good cause exists for granting an extension of time to file an answer where the Town and the Environmental Protection Agency (“EPA”) have reached an agreement in principle to settle this matter and the parties are finalizing the form of the Consent Agreement and Final Order (“CAFO”) concerning the proposed Supplemental Environmental Project (“SEP”). The Presiding Officer granted four prior extensions of the time to file an answer to allow the Town to meet with EPA to pursue settlement discussions and to negotiate the SEP. These negotiations have been successful. Specifically, the parties have agreed in principle to settle this matter for a cash penalty of \$8,000 and a SEP worth \$13,000 for a total penalty of \$21,000. The Town provided

comments on EPA's draft CAFO regarding the SEP, and EPA provided its response to those comments on January 12, 2010. The parties therefore need additional time to finalize the CAFO.

The Town further states that no prejudice will result from the granting of this extension where both the Town and EPA have agreed to a settlement of this matter that will avoid the time and expense of any further administrative proceedings. 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 February 12, 2010.

THE TOWN OF WINTHROP,
By its attorneys,



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January 12, 2010

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 by overnight mail on the Regional Judicial Officer on January 12, 2010.

