

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

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REGION 1

NOV 25 2009

In the Matter of:

TOWN OF CANTON, MASSACHUSETTS

Docket Number:
CWA 01-2009-0070

EPA ORC
Office of Regional Hearing Clerk

**MOTION TO FURTHER EXTEND
TIME IN WHICH TO ANSWER
THE ADMINISTRATIVE
COMPLAINT**

The Town of Canton, Massachusetts ("Canton"), through undersigned counsel, hereby respectfully moves, with the assent of the Environmental Protection Agency, for an additional extension of forty-five (45) days, through January 14, 2010, in which to file its Answer to the Administrative Complaint, and Request for Hearing, in the above proceeding.

I. NEED FOR EXTENSION

Canton received the Administrative Complaint and Notice of Opportunity for Hearing in the above matter on or about August 16, 2009. Undersigned counsel thereafter promptly contacted EPA's case attorney, Kathleen Woodward, and the parties scheduled and then conducted a meeting to explore the informal resolution of this matter. The September 3 meeting was comprehensive and productive. Canton submitted to EPA a written settlement proposal. EPA acknowledged that the proposal was a good faith offer and assented to a motion for an extension of time. That motion was granted, extending time through October 15, 2009. EPA thereafter responded to Canton's proposal and the parties reached a settlement in principle. A further extension was sought and was granted through November 30, 2009.

Since that time, Canton submitted to EPA a detailed proposal for the Supplemental Environmental Project that forms a part of the settlement in principle. EPA currently is evaluating that proposal, which when finalized will form part of the Consent Agreement and Final Order to document the settlement of this matter.

The requested extension through January 14, 2010 is necessary to permit the EPA to complete its review and for the parties to finalize settlement documentation. Such settlement would obviate the need for further formal proceedings and thereby conserve public resources, which are better devoted to environmental measures. The parties anticipate that the requested 45-day extension will provide sufficient time to complete that process.

Legal counsel for EPA Region 1, Kathleen Woodward, has indicated that she assents to the requested extension of time in which to answer the Administrative Complaint, up to and including January 14, 2010.

II. AUTHORITY TO GRANT EXTENSION

The Presiding Office may grant an extension of time for filing any document, including a written answer to an administrative complaint, upon timely motion of a party to the proceeding, for good cause shown, and after consideration of prejudice to other parties, under the Consolidated Rules of Practice, 40 C.F.R. §22.7(b). This Motion is made sufficiently in advance of the due date of November 28, 2009 to allow other parties to respond and to allow the Presiding Officer to issue an Order, especially in light of the acquiescence of EPA counsel to issuance of the requested extension.

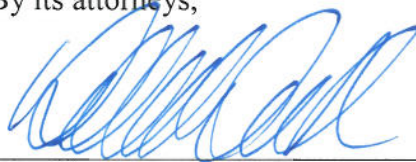
III. REQUEST FOR EXTENSION

Because there is no prejudice to any other party and there is good cause for an extension of time in which to file an Answer to the Administrative Complaint, the Town of Canton respectfully requests that the time for filing an Answer be extended up to and including January 14, 2010.

Respectfully submitted,

TOWN OF CANTON

By its attorneys,



Paul R. DeRensis, BBO# 121000
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Dated: November 24, 2009

In the Matter of: Town of Canton, Massachusetts

Docket Number: CWA 01-2009-0070

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing MOTION TO FURTHER EXTEND TIME IN WHICH TO ANSWER THE ADMINISTRATIVE COMPLAINT In the Matter of Town of Canton, Massachusetts, CWA 01-2009-0070, were sent to the following persons in the manner indicated:

Original and one copy by Hand Delivery:

Ms. Judy Lao-Ruiv, Acting Hearing Clerk
United States Environmental Protection Agency Region 1
One Congress Street, Suite 1100
Boston, MA 02114-2023

Copy By Hand Delivery:

Kathleen Woodward, Senior Enforcement Counsel
United States Environmental Protection Agency Region 1
One Congress Street
Boston, MA 02114-2023

Date: November 24, 2009



Daniel R. Deutsch, BBO# 551744
Counsel to Town of Canton
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ddeutsch@dwboston.com

Daniel R. Deutsch, Esq.
ddeutsch@dwbboston.com

November 24, 2009

BY HAND

Ms. Judy Lao-Ruiv, Acting Hearing Clerk
United States Environmental Protection Agency
Region 1
One Congress Street
Suite 1100, Mail Code RAA
Boston, MA 02114-2023

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EPA ORC
Office of Regional Hearing Clerk

Re: In the Matter of the Town of Canton, Massachusetts
Docket No.: CWA 01-2009-0070: Administrative Complaint

Dear Ms. Lao-Ruiv:

Enclosed herewith please find MOTION TO FURTHER EXTEND TIME IN WHICH TO ANSWER THE ADMINISTRATIVE COMPLAINT filed on behalf of the Town of Canton, in response to the Administrative Complaint and Notice of Opportunity for Hearing filed by Kathleen E. Woodward on behalf of EPA Region 1 on August 14, 2009. I also enclose an appropriate PROPOSED ORDER pertaining to the Motion.

Please file in your usual manner and advise once the motion is acted upon. Thank you for your attention to this matter. Should you have any questions, please contact me at 617-951-2300.

Very truly yours,


Daniel R. Deutsch

Enclosures as stated

cc: Kathleen Woodward, Senior Enforcement Counsel (*by hand*)
William T. Friel, Canton Town Administrator
Michael Trotta (*by email only*) Superintendent, Canton Department of Public Works
Paul R. DeRensis, Esq.