



KOPELMAN AND PAIGE, P.C.
The Leader in Municipal Law

101 Arch Street
Boston, MA 02110
T: 617.556.0007
F: 617.654.1735
www.k-plaw.com

February 2, 2010

Gregg J. Corbo
gcorbo@k-plaw.com

BY FACSIMILE - (617) 918-0101
AND FEDERAL EXPRESS

Ms. Wanda Santiago
Regional Hearing Clerk
U.S. EPA, Region I
One Congress Street, Suite 1100 (RAA)
Boston, Massachusetts 02114-2023

Re: In the Matter of Town of Dennis
Docket No. CWA-01-2009-0072

Dear Ms. Santiago:

Enclosed for filing with respect to the above-referenced case, please find the Town of Dennis' Fourth Assented-to Motion for Extension of Time in Which to Answer the Administrative Complaint and a Certificate of Service.

Thank you for your attention to this matter.

Very truly yours,

Gregg J. Corbo

GJC/lem

Enc.

- cc: Town Administrator (by first class mail)
- Legal Administrator (by first class mail)
- Kathleen E. Woodward, Esq. (by first class mail)

392708/DENN/0210

with the relevant regulations can be demonstrated without having to do so. The requested thirty-day extension should provide sufficient time to determine if settlement is likely.

Legal counsel for EPA Region I, Kathleen Woodward, has indicated that she assents to this extension of time in which the answer the Administrative Complaint until March 2, 2010.

II. AUTHORITY TO GRANT AN EXTENSION

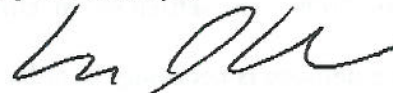
The Presiding Officer may grant an extension of time for filing any document, including a written answer to an administrative complaint, upon timely motion of a party to the proceedings, for good cause shown, and after consideration of prejudice to other parties, under the Consolidated Rules of Practice, 40 C.F.R. §22.7(b). This Motion is made with the assent 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 respectfully requests that the time for filing an Answer to this Complaint be extended until March 2, 2010.

TOWN OF DENNIS

By its attorneys,



Gregg J. Corbo (BBO# 641459)
Jeffrey T. Blake (BBO# 655773)
Kopelman and Paige, P.C.
Town Counsel
101 Arch Street
12th Floor
Boston, MA 02110-1109
(617) 556-0007

Date: _____

2/2/10

392706/DENN/0210

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 1

DOCKET NO. CWA-01-2009-0072

In the Matter of

TOWN OF DENNIS

Respondent.

FOURTH ASSENTED-TO MOTION
FOR EXTENSION OF TIME
IN WHICH TO ANSWER THE
ADMINISTRATIVE COMPLAINT**I. NEED FOR AN EXTENSION**

On or about Thursday, August 17, 2009, the Town of Dennis (the "Town") received the Administrative Complaint in the above-captioned matter. Upon receipt of the Complaint, the Town immediately began an investigation of the allegations set forth therein and began to formulate a strategy for demonstrating compliance with its MS4 NPDES Permit. The Town, through Town Counsel, contacted EPA Case Attorney, Kathleen Woodward, to set up an initial settlement meeting. The parties met on Friday, September 11, 2009, at EPA offices in Boston and engaged in extensive settlement discussions. A follow-up meeting was held on Tuesday, September 29, 2009. The settlement meetings were productive and settlement appears likely.


This extension is necessary in order to continue settlement discussions so that the parties can avoid incurring unnecessary litigation costs. We have conducted two settlement conferences and the Town has provided EPA with extensive documentation in support of its position. EPA counsel has indicated that she requires additional time to process this information and formulate a response. It would impose an unnecessary and wasteful financial burden on the Town and waste the limited administrative resources of the agency to require preparation of an answer to the Administrative Complaint if, as appears likely, settlement of this matter and full compliance

CERTIFICATE OF SERVICE

I, Gregg J. Corbo, hereby certify that on the below date, I served a copy of the foregoing Fourth Assented-to Motion for Extension of Time in Which to Answer the Administrative Complaint, by first class mail, postage prepaid, to the following counsel of record:

Kathleen E. Woodward
Senior Enforcement Counsel
Office of Environmental Stewardship
U.S. EPA, Region I
One Congress Street, Suite 1100 (SEL)
Boston, MA 02114-2023

Dated: 2/2/10



Gregg J. Corbo

Boston

Kopelman and Paige P.C.

Northampton

101 Arch Street

Boston, MA 02110

Worcester

(617)556-0007 / (617)654-1735 - fax

Lenox

THIS DOCUMENT IS CONFIDENTIAL

FAX TRANSMITTAL COVER SHEET

Date: February 2, 2010 Number of Pages Including Cover: 5

Account Code: _____ Original Will Follow: Yes X No _____

This Fax was Sent By: Gregg J. Corbo, Esq. Operator Initials: lem

PLEASE DELIVER TO:

Name	Fax Number
<u>Ms. Wanda Santiago, Regional Hearing Clerk</u>	<u>617-918-0101</u>

COMMENTS OR INSTRUCTION:

PLEASE CONTACT SENDER AT (617)654-1754 IF YOU HAVE NOT RECEIVED THE NUMBER OF PAGES NOTED ABOVE OR IF THERE ARE ANY PROBLEMS WITH THIS TRANSMISSION

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 1

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 1

RECEIVED
DOCKET NO. CWA-01-2009-0072

2010 FEB -3 A 11: 32

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By its attorneys,



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Jeffrey T. Blake (BBO# 655773)
Kopelman and Paige, P.C.
Town Counsel
101 Arch Street
12th Floor
Boston, MA 02110-1109
(617) 556-0007

Date: 2/2/10

392706/DENN/0210

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Office of Environmental Stewardship
U.S. EPA, Region I
One Congress Street, Suite 1100 (SEL)
Boston, MA 02114-2023

Dated: _____

2/2/10

Gregg J. Corbo



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 1

DOCKET NO. CWA-01-2009-0072

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TOWN OF DENNIS

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One Congress Street, Suite 1100 (SEL)
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Dated: 2/2/10



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February 2, 2010

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gcorbo@k-plaw.com

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cc: Town Administrator (by first class mail)
Legal Administrator (by first class mail)
Kathleen E. Woodward, Esq. (by first class mail)

392708/DENN/0210

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 1

IN THE MATTER OF:)
)

Town of Dennis, Massachusetts)
)

Respondent)
)

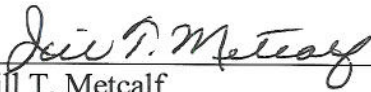
**Order Granting 4th Extension of Time
to File an Answer**

Docket No. CWA- 01-2009-0072

ORDER

In accordance with 40 C.F.R. §§22.7(b) and 22.16(c), for good cause shown, the time for Respondent to file an Answer is extended until the close of business on March 2, 2010. This extension is agreed to by EPA enforcement counsel.

Dated: February 3, 2010



Jill T. Metcalf
Acting Regional Judicial Officer

In the Matter of Town of Dennis, Massachusetts
Docket No. CWA-01-2009-0072

CERTIFICATE OF SERVICE

I certify that on this 3rd day of February, 2010 the original foregoing Order was filed with the Regional Hearing Clerk, a copy was hand-delivered to Counsel for Complainant, and a copy was mailed by certified mail, return receipt requested, to Counsel for Respondent.

February 3, 2010
Date

Wanda I. Santiago
Wanda I. Santiago
Regional Hearing Clerk
U.S. EPA Region I
5 Post Office Square, Suite 100
Boston, MA 02109-3912

Counsel for Respondent:

Gregg J. Corbo (BBO# 641459)
Jeffrey T. Blake (BBO# 655773)
Kopelman and Paige, P.C.
Town Counsel
101 Arch Street, 12th Floor
Boston, MA 02110-1109

Counsel for Complainant:

Kathleen Woodward
Senior Enforcement Counsel
U.S. EPA Region I
5 Post Office Square, Suite 100
Boston, MA 02109-3912



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February 2, 2010

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