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RECEIVED

NOV 30 2010

EPA ORC WS
Office of Regional Hearing Clerk

November 30, 2010

VIA OVERNIGHT DELIVERY

Ms. Wanda Rivera
Regional Hearing Clerk
U.S. Environmental Protection Agency - Region I
One Congress Street
Suite 1100, Mail Code RAA
Boston, MA 02114-2023

Re: In the Matter of: Mt. Tom Generating Company, LLC
Docket No. CWA-01-2010-0059
NPDES Permit No. MA0005339

Dear Ms. Rivera:

Enclosed please find the Unopposed Second Motion for Extension of Time in Which to Answer the Administrative Complaint and Request a Hearing filed on behalf of Mt. Tom Generating Company LLC in response to the above-referenced Administrative Complaint and Notice of Opportunity for Hearing. I am also enclosing an appropriate proposed Order pertaining to the Motion.

Please file this Motion in your usual manner. Thank you for your attention to this matter. If you have any questions, please call me.

Sincerely,



Mark R. Sussman

Enclosure

cc: Kathleen E. Woodward, Esq.

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Murtha Cullina LLP | Attorneys at Law

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION I

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In the Matter of:

Docket No. CWA-01-2010-0059

Mt. Tom Generating Company, LLC
Route 5, Smith's Ferry
Holyoke, Massachusetts 01040
NPDES Permit No. MA0005339

Proceeding to Assess a Class II Civil
Penalty Under Section 309(a) of the
Clean Water Act, as amended, 33
U.S.C. § 1319(a)

Respondent.

November 30, 2010

**UNOPPOSED SECOND MOTION FOR EXTENSION OF TIME IN WHICH TO
ANSWER THE ADMINISTRATIVE COMPLAINT AND REQUEST A HEARING**

Respondent, Mt. Tom Generating Company LLC ("Mt. Tom") moves for a second thirty (30) day extension of time within which to respond to the Administrative Complaint and Notice of Opportunity for hearing in the above-captioned matter. Mt. Tom requests a thirty (30) day extension to the close of business on January 3, 2011 for filing an answer to the Administrative Complaint and for requesting a hearing for the following reasons:

1. Pursuant to the Consolidated Rules of Practice, 40 C.F.R. § 22.7(b), the Presiding Officer has authority to grant an extension of time for filing any document, including an 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.
2. Mt. Tom held an informal settlement conference with EPA Region I on October 25, 2010, as the first step in exploring settlement. Following that meeting, on November 8, 2010, the undersigned submitted a detailed settlement proposal to EPA Region I.

3. On November 29, 2010, EPA's enforcement counsel contacted the undersigned to further discuss settlement. The settlement discussions are continuing in good faith, and both parties believe that the additional time prior to preparing and filing an answer and request for a hearing can be most productively used to seek a prompt and amicable settlement.

4. It would impose an unnecessary and wasteful financial burden on Mt. Tom to prepare an answer to the Administrative Complaint, and to prepare for and take part in a hearing if, as appears possible, a settlement of this matter can be expeditiously achieved. The requested thirty day extension should provide sufficient time to determine if a settlement is likely.

5. Counsel for the EPA has consented to the requested extension.

6. 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 and to request a hearing, Mt. Tom respectfully requests that the requested thirty (30) day extension be granted.

Respectfully Submitted,

Mt. Tom Generating Company LLC



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Facsimile: 860.240.6150
E-mail: msussman@murthalaw.com

Its Attorney

Dated: November 30, 2010

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION I

In the Matter of:

Docket No. CWA-01-2010-0059

Mt. Tom Generating Company, LLC
Route 5, Smith's Ferry
Holyoke, Massachusetts 01040

NPDES Permit No. MA0005339

**ORDER GRANTING EXTENSION
OF TIME IN WHICH TO
ANSWER THE
ADMINISTRATIVE COMPLAINT
AND REQUEST A HEARING**

Proceeding to Assess a Class II Civil
Penalty Under Section 309(a) of the
Clean Water Act, as amended, 33
U.S.C. § 1319(a)

Respondent.

ORDER

In accordance with 40 C.F.R. §§ 22.07(B) and 22.16(c), for good cause shown, the time for Respondent to file an answer and request a hearing is extended to the close of business on January 3, 2011.

DATED: _____

Regional Judicial Officer

In the Matter of: Mt. Tom Generating Company, LLC

Docket No. CWA-01-2010-0059

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing UNOPPOSED SECOND MOTION FOR EXTENSION OF TIME IN WHICH TO ANSWER THE ADMINISTRATIVE COMPLAINT AND REQUEST A HEARING in the matter of Mt. Tom Generating Company, LLC, Docket No. CWA-01-2010-0059, were sent on this 30th day of November, 2010, to the following persons in the manner indicated:

Original and one copy by UPS and Hand Delivery:

Ms. Wanda Rivera
Regional Hearing Clerk
U.S. Environmental Protection Agency-Region 1
5 Post Office Square, Suite 100
Mail Code ORA17-1
Boston, Massachusetts 02109-3912

Copy by First Class Mail and Electronic Mail:

Kathleen Woodward
Senior Enforcement Counsel
U.S. Environmental Protection Agency
5 Post Office Square, Suite 100
Mail Code OES4-2
Boston, Massachusetts 02109-3912



Mark R. Sussman