

Robert R. Tyson, Esq.
rtyson@bsk.com
P: 315.218.8221
F: 315.218.8921

February 28, 2013

VIA FEDERAL EXPRESS

Hon. Helen S. Ferrara
Regional Judicial Officer
U.S. Environmental Protection Agency
290 Broadway, 16th Floor
New York, New York 10007-1866

U.S. ENVIRONMENTAL
PROTECTION AGENCY-REG.11
2013 MAR -1 A 11:56
REGIONAL HEARING
CLERK

Re: *Town of Brookhaven – Docket No. CWA-02-2012-3313*
Request for Additional Extension

Dear Judge Ferrara:

Our firm represents the Town of Brookhaven (“Town”) in connection with the referenced matter. The Town received the U.S. Environmental Protection Agency’s September 7, 2012 correspondence and Administrative Complaint, Findings of Violation, Notice of Proposed Assessment of an Administrative Penalty, and Notice of Opportunity to Request a Hearing (collectively, the “Complaint”) on September 14, 2012. By multiple approvals, the Agency extended the Town’s date to answer the Complaint until February 28, 2013.

As I have previously reported, the Town and EPA have reached an agreement in principle to settle the matter. EPA provided a Consent Agreement/Final Order (“CAFO”) to the Town that is expected to be considered by the Town Board on March 7, 2013. Based on that schedule, the Town requests an additional extension of time until March 29, 2013 to answer the Complaint.

Please note that I have exchanged e-mails with EPA Assistant Regional Counsel Kim Kramer, who has consented to this request.

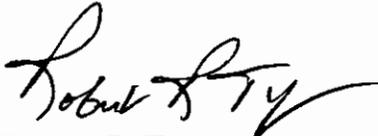
I have submitted the original of this letter and one copy to Karen Maples, the Regional Hearing Clerk, and an electronic copy of this letter to Ms. Kramer.

Hon. Helen S. Ferrara
February 28, 2013
Page 2

Thank you for your time and consideration, and please call if you have questions.

Sincerely,

BOND, SCHOENECK & KING, PLLC

By: 
Robert R. Tyson

cc: Karen Maples
Kim Kramer, Esq.
Annette Eaderesto, Esq.
Matt Miner
Anthony Graves

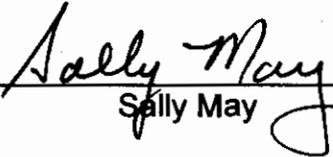
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

In the Matter of Town of Brookhaven
Docket No. CWA-02-2012-3313

CERTIFICATE OF SERVICE

Sally May, certifies that on February 28, 2013, she served the original and one copy of the **Request for Extension** in this proceeding by enclosing a true and correct copy of said document in a postage prepaid, properly addressed overnight mailer and depositing same in an official depository of Federal Express overnight delivery service at One Lincoln Center, Syracuse, New York upon:

Karen Maples
Regional Hearing Clerk
USEPA, Region 2
290 Broadway, 16th Floor
New York, NY 10007-1866


Sally May

DATED: February 28, 2013