

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION I

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In the Matter of)
)
TOWN OF CONCORD)
Town House)
22 Monument Square)
Concord, Massachusetts 01742)
)
Respondent.)

Docket No. CWA-01-2009-007

2009 OCT 01 P 1:38

Proceeding Under Section 309(g)
of the Clean Water Act

EPA ORC
OFFICE OF
REGIONAL HEARING CLERK

**RESPONDENT'S SECOND MOTION FOR EXTENSION OF TIME
TO ANSWER THE ADMINISTRATIVE COMPLAINT**

The Respondent Town of Concord moves to extend by thirty days the time for filing an Answer to the Administrative Complaint, to November 6, 2009. As grounds for this motion, the Town states as follows:

1. On August 13, 2009, the U.S. Environmental Protection Agency ("EPA") filed an Administrative Complaint alleging that the Town had failed to comply with its National Pollutant Discharge Elimination System General Permit for Storm Water Discharges from Small Municipal Separate Storm Sewer Systems ("Permit").

2. The Complaint was served on the Town on August 24, 2009.

3. Under the Consolidated Rules of Practice, 40 C.F.R. §§ 22.1 - 22.52, the Answer was due within 30 days of receipt of the Complaint, *i.e.*, September 23, 2009.

4. On September 17, 2009, the Town moved for an extension of time to file the Answer to October 7, 2009. Kathleen Woodward, EPA enforcement counsel in this matter, assented to the motion. The Acting Regional Judicial Officer issued an Order granting the extension on September 22, 2009.

5. The Town and EPA met to discuss the matter on September 21, 2009. On September 29, 2009, the Town submitted additional documents to EPA regarding activities conducted pursuant to the Permit.

6. The Town believes that it would benefit both parties to have more time to continue to explore resolution of this matter via informal discussions, in order to prevent unnecessary costs associated with a formal proceeding.

7. Ms. Woodward has stated that EPA has no objection to this request.

For these reasons, the Town requests a thirty-day extension of time to file its Answer, to November 6, 2009.

TOWN OF CONCORD

By its attorneys,



Arthur P. Kreiger (BBO #279870)

Rebekah Lacey (BBO #673908)

ANDERSON & KREIGER LLP

One Canal Park, Suite 200

Cambridge, MA 02141

617-621-6500

Dated: September 29, 2009

In the Matter of: Town of Concord

Docket No. CWA-01-2009-0071

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing RESPONDENT'S SECOND MOTION FOR EXTENSION OF TIME TO ANSWER THE ADMINISTRATIVE COMPLAINT in the matter of Town of Concord, CWA-01-2009-0071 were sent to the following persons in the manner indicated:

Original and one copy by Federal Express:

Ms. Judy Lao-Ruiz
Regional Hearing Clerk
U.S. Environmental Protection Agency – Region I
One Congress Street
Suite 1100, Mail Code RAA
Boston, Massachusetts 02114-2023

Copy by First Class Mail and email:

Kathleen E. Woodward, Senior Enforcement Counsel
U.S. EPA Region I
One Congress Street, Suite 1100 (RAA)
Boston, MA 02114-2023
Woodward.Kathleen@epa.gov

Date: September 29, 2009


Arthur Kreiger (BBO #279870)
Rebekah Lacey (BBO #673908)
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September 29, 2009

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By Federal Express

Ms. Judy Lao-Ruiz
Acting Regional Hearing Clerk
U.S. Environmental Protection Agency, Region I
One Congress Street
Suite 1100, Mail Code RAA
Boston, Massachusetts 02114-2023

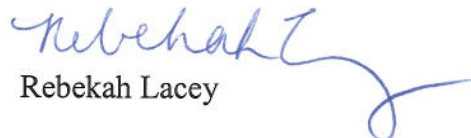
RE: *In the Matter of Town of Concord*
Docket No. CWA-01-2009-0071

Dear Ms. Ruiz:

Enclosed for filing in the above-referenced proceeding, please find the Respondent's Second Motion for Extension of Time To Answer the Administrative Complaint.

Thank you.

Sincerely,


Rebekah Lacey

Enc.

cc: Kathleen E. Woodward, EPA
Christopher Whelan, Town of Concord
Richard Reine, Town of Concord