

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION I

RECEIVED

In the Matter of )

Docket No. CWA-01-2009-0071

SEP 17 P 1:05

TOWN OF CONCORD )

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

Town House )

22 Monument Square )

Concord, Massachusetts 01742 )

Respondent. )

EPA.ORG  
OFFICE OF  
REGIONAL HEARING CLERK

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

The Respondent Town of Concord moves to extend by two weeks the time for filing an Answer to the Administrative Complaint, to October 7, 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.

2. The Complaint was served on the Town on August 24, 2009. On September 2, 2009, Rebekah Lacey, counsel for the Town, contacted Kathleen Woodward, the EPA attorney who had filed the Complaint, to request an informal meeting.

3. Ms. Woodward responded on September 4, and Ms. Lacey and Ms. Woodward have had numerous communications since then. Due to vacations and other conflicts, the earliest an informal meeting between the Town and EPA could be scheduled was September 21, 2009.

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

5. The Town believes that it would benefit both parties to have more time to explore settlement via informal discussions, in order to prevent unnecessary costs associated with a formal proceeding.

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

For these reasons, the Town requests a two-week extension of time to file its Answer, to October 7, 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 16, 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 MOTION FOR EXTENSION OF TIME IN WHICH TO ANSWER THE ADMINISTRATIVE COMPLAINT in the matter of Town of Concord, CWA-01-2009-0071 was sent to the following persons in the manner indicated:

Original and one copy by Federal Express:

Ms. Wanda Rivera  
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 16, 2009

  
Arthur Kreiger (BBO #279870)  
Rebekah Lacey (BBO #673908)  
ANDERSON & KREIGER LLP  
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**By Federal Express**

Ms. Wanda Rivera  
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 Sir or Madam:

Enclosed for filing in the above-referenced proceeding, please find the Plaintiffs' Motion For Extension of Time in Which 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