

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION I

RECEIVED

In the Matter of:)
)
The City of Gardner)
)
)
)
_____)

2009 SEP 14 P 1:27
Docket No. CWA-01-2009-0075

EPA REGION I
RECEIVED
COURT CLERK

**MOTION FOR EXTENSION OF TIME IN WHICH TO ANSWER THE
ADMINISTRATIVE COMPLAINT**

Proceeding Under Section 309(g)(2)(B) of the Clean Water Act and Section 3008(a) of the
Resource Conservation and Recovery Act

I. NEED FOR AN EXTENSION

On Monday, August 17, 2009, the City of Gardner ("Gardner") received the
Administrative Complaint in the above-captioned matter. The City of Gardner has submitted a
written plan for compliance with the EPA and attended a meeting to discuss settlement on
September 8, 2009. The Parties are in the process of scheduling a second settlement
conference.

This extension is necessary in order to continue to explore the possibility for settlement of
this matter. The requested thirty day extension should provide sufficient time to determine if a
settlement is likely.

Legal counsel for EPA Region I, Kathleen Woodward, has indicated that she has no
October 16, 2009.

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
proceeding, for good cause shown, and after consideration of prejudice to other parties, under the

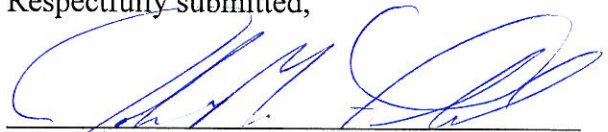
Consolidated Rules of Practice, 40 C.F.R. §22.7(b). This Motion is made in advance of the due date of September 16, 2009 to allow other parties to respond and to allow the Presiding Officer to issue an Order, especially in light of the assent by EPA counsel to issuance of the requested extension.

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 City of Gardner respectfully requests that the time for filing an Answer to this Complaint be extended until October 16, 2009.

Dated this 11th day of September, 2009.

Respectfully submitted,




John M. Flick, Esq. (BBO# 652169)
Jill A. Romer, Esq. (BB O# 551007)
City of Gardner Law Department
144 Central Street, Suite 201
Gardner, MA 01440
(978) 632-7948

CERTIFICATE OF SERVICE

I hereby certify that this 11th day of September, 2009 I served a true and correct copy of the foregoing document, via first class mail, postage pre-paid, on the following persons:

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

Kathleen E. Woodward, Senior Enforcement Counsel
U.S. EPA Region I
One Congress Street, Suite 1100
Boston, MA 02114-2023



John M. Flick