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Region 1

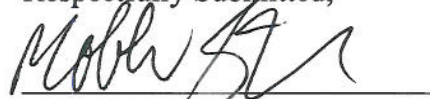
IN THE MATTER OF	)	DOCKET NO.: CWA 01-2010-0079
	)	
DANBURY, CONNECTICUT	)	
	)	
155 DEER HILL AVENUE	)	NOTICE OF APPEARANCE
DANBURY, CT 06810	)	
	)	
Respondent.	)	
	)	

Notice of Appearance

In accordance with 40 C.F.R. § 22.10, the undersigned attorney hereby files this Notice of Appearance as counsel for the Respondent in the above-captioned matter.

Dated: April 1, 2011

Respectfully Submitted,



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 DOCKET NO.: CWA 01-2010-0079

Counsel for Respondent  
City of Danbury, Connecticut

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IN THE MATTER OF	)	DOCKET NO.: CWA 01-2010-0079
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DANBURY, CONNECTICUT	)	
	)	
155 DEER HILL AVENUE	)	RESPONDENT DANBURY,
DANBURY, CT 06810	)	CONNECTICUT'S MOTION FOR AN
	)	EXTENSION OF TIME TO REQUEST A
Respondent.	)	HEARING AND ANSWER COMPLAINT
	)	

RESPONDENT CITY OF DANBURY'S MOTION FOR AN EXTENSION OF TIME  
TO REQUEST A HEARING AND ANSWER COMPLAINT

Pursuant to 40 C.F.R. § 22.7, the City of Danbury, Connecticut ("City" or "Respondent") hereby moves for an extension of time to file its answer to the complaint and request a hearing in this matter on the grounds that the Environmental Protection Agency ("EPA") and the City are currently engaged in settlement discussions and it is in the interests of this proceeding and the parties to avoid engaging in costly and potentially unnecessary litigation while those discussions are ongoing. Further, the City requests additional time to prepare its responses, given the complexity of the allegations in the complaint, which are drawn from two different Clean Water Act programs and regard compliance questions and efforts that date back several years. Respondent City of Danbury, therefore, respectfully requests a thirty day extension to answer the complaint and to request a hearing, from April 11, 2011 to May 11, 2011. EPA has represented through counsel that it assents to this motion.

**DISCUSSION**

An extension of time for filing "any document" may be granted if the motion is "timely"

and “good cause” is shown, after considering any “prejudice to other parties.” 40 C.F.R. §22.7(b). In addition, a motion for extension of time must be filed “sufficiently in advance” of the due date. *Id.*

This motion is timely, as it is being filed one week prior to the deadline for the City’s response to the EPA’s complaint, which is currently due on April 11, 2011. Thus, there is a reasonable opportunity to rule on the motion prior to the response deadline.

In addition, granting the City’s motion for an extension will not prejudice any other party to the proceeding. On March 29, 2011, the only other party to this matter, EPA, represented to the City, through counsel, that it assents to and does not oppose a motion to seek a thirty day extension of the time in which to request a hearing and file an answer. There is, therefore, no question of prejudice to EPA.

Finally, there is good cause for a thirty day extension of time in which to file a responsive pleading. The City and EPA are currently in the midst of settlement negotiations and Respondent is hopeful that the case will resolve without the need to engage in costly litigation. Rather than expend valuable time and resources on litigation, the City would prefer to focus on settlement talks with EPA and move forward toward a resolution of this case. This would benefit both the Presiding Officer and the parties by conserving scarce judicial resources and avoiding the distraction and expense of litigation for a short period of time while the parties review, analyze and negotiate a potential settlement. Further, additional time should be granted to allow the City to prepare a response, given the complexity of the allegations in the complaint. The complaint alleges violations of two different Clean Water Act programs and questions

compliance from several years ago.

### CONCLUSION

As provided above, there is good cause to grant Respondent City of Danbury's motion for an extension of time to file its answer and request a hearing. The City respectfully requests a thirty day extension of the deadline to file its answer and request for a hearing, from April 11, 2011 to May 11, 2011.

Dated: April 1, 2011



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DOCKET NO.: CWA 01-2010-0079

Counsel for Respondent  
City of Danbury, Connecticut

United States Environmental Protection Agency  
Region 1

IN THE MATTER OF ) DOCKET NO.: CWA 01-2010-0079  
 )  
DANBURY, CONNECTICUT )  
 )  
155 DEER HILL AVENUE ) [PROPOSED] ORDER  
DANBURY, CT 06810 )  
 )  
Respondent. )  
 )

ORDER

Respondent Danbury, Connecticut's Motion for an Extension of Time to Request a Hearing and Answer Complaint was timely submitted and no opposition was received. Having considered the Motion, and good cause appearing therefore,

IT IS HEREBY ORDERED THAT:

Respondent Danbury, Connecticut's motion for an Extension of Time to Request a Hearing and Answer Complaint is hereby granted, and the date by which Respondent must files its answer and request for a hearing is May 11, 2011.

IT IS SO ORDERED.

Dated: \_\_\_\_\_, 2011

\_\_\_\_\_  
REGIONAL JUDICIAL OFFICER