

Docket No. CWA 01-2009-0077

Respondent

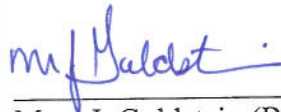
Pursuant to 40 CFR 22.7(b), the Respondent, the Town of Winthrop (the “Town”), hereby requests that the Presiding Officer issue an order extending the time period that the Town has to answer the Administrative Complaint in this matter by 31 days from February 12, 2010 to March 15, 2010. In support of this Motion, the Town states that good cause exists for granting an extension of time to file an answer where the Town and the Environmental Protection Agency (“EPA”) have reached an agreement in principle to settle this matter and the parties have finalized the Consent Agreement and Final Order (“CAFO”) concerning the proposed Supplemental Environmental Project (“SEP”) pending approval of EPA management. The Presiding Officer granted five prior extensions of the time to file an answer to allow the Town to meet with EPA to pursue settlement discussions and to negotiate the SEP. These negotiations have been successful. Specifically, the parties have agreed to settle this matter for a cash penalty of \$8,000 and a SEP worth \$13,000 for a total penalty of \$21,000. The parties therefore

need additional time for EPA management to approve the settlement arrived at by counsel for Winthrop and EPA.

The Town further states that no prejudice will result from the granting of this extension where both the Town and EPA have agreed to a settlement of this matter that will avoid the time and expense of any further administrative proceedings. EPA, through its senior enforcement counsel, has assented to this Motion.

WHEREFORE, the Town asks the Presiding Officer to issue an order granting this assented to Motion and extending the time period the Town has to answer the Administrative Complaint in this matter to March 15, 2010.

THE TOWN OF WINTHROP,
By its attorneys,

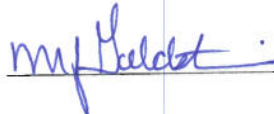


Marc J. Goldstein (BBO# 636228)
Krista L. Hawley (BBO# 663926)
BEVERIDGE & DIAMOND, P.C.
15 Walnut Street, Suite 400
Wellesley, MA 02481
(781) 416-5700

February 10, 2010

CERTIFICATE OF SERVICE

I hereby certify that I caused a true copy of the foregoing document to be served by mail upon counsel of record for each party and by overnight mail on the Regional Judicial Officer on February 10, 2010.





RECEIVED
FEB 11 AM 11:09
Marc J. Goldstein
15 Walnut Street, Suite 400
Wellesley, MA 02481-2133
Direct: (781) 416-5715
Fax: (781) 416-5799
mgoldstein@bdlaw.com

February 10, 2010

VIA FEDERAL EXPRESS

Wanda Rivera
Regional Hearing Clerk
U.S. Environmental Protection Agency, Region 1
5 Post Office Square, Suite 100
Mail Code ORA18-1
Boston, MA 02109-3912

Re: *In the Matter of the Town of Winthrop*
Docket No. CWA 01-2009-0077

Dear Ms. Rivera:

Enclosed for filing in the above-captioned case is one original and one copy of an Assented-To Motion to Extend Time to Answer Complaint. Kindly note that the parties have reached an agreement in principle and that counsel for EPA has assented to this motion. Please date-stamp the enclosed copy of this letter and return it to my attention in the enclosed self-addressed, stamped envelope.

Thank you for your attention to this matter.

Sincerely yours,

Marc J. Goldstein

MJG/maf
Enclosures

cc: Jill Metcalf, Regional Judicial Officer
Kathleen E. Woodward, Esq.