

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 1

RECEIVED

In the Matter of:

TOWN OF CANTON, MASSACHUSETTS

Docket Number:  
CWA 01-2009-0070

2009 SEP 11 P 2: 16

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

EPA ORC  
OFFICE OF  
CANTON, MASSACHUSETTS  
*Jr*

The Town of Canton, Massachusetts ("Canton"), through undersigned counsel, hereby respectfully moves, with the assent of the Environmental Protection Agency, for an extension of thirty (30) days in which to file its Answer to the Administrative Complaint, and Request for Hearing, in the above proceeding.

**I. NEED FOR EXTENSION**

Canton received the Administrative Complaint and Notice of Opportunity for Hearing in the above matter on or about August 16, 2009. Undersigned counsel thereafter promptly contacted EPA's case attorney, Kathleen Woodward, and the parties scheduled and then conducted a meeting to explore the informal resolution of this matter. The September 3 meeting was comprehensive and productive. Canton has since submitted to EPA a written settlement proposal. EPA has acknowledged that the proposal is a good faith offer and therefore assents to this motion for an extension of time.

The requested extension is necessary to permit the parties to explore the possibility of settlement. Such settlement would obviate the need for further formal proceedings and thereby

conserve public resources, which are better devoted to environmental measures. The parties already have scheduled a further informal conference for September 14, 2009. The requested 30-day extension should provide sufficient time to determine whether settlement is likely.

Legal counsel for EPA Region 1, Kathleen Woodward, has indicated that she assents to the requested extension of time in which to answer the Administrative Complaint, up to and including October 14, 2009.

## **II. AUTHORITY TO GRANT EXTENSION**

The Presiding Office 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 sufficiently in advance of the due date of September 14, 2009 to allow other parties to respond and to allow the Presiding Officer to issue an Order, especially in light of the acquiescence of EPA counsel to issuance of the requested extension.

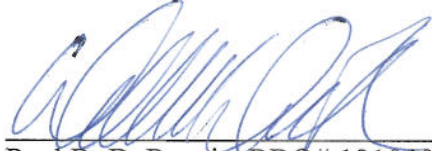
## **III. REQUEST FOR EXTENSION**

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 Town of Canton respectfully requests that the time for filing an Answer be extended up to and including October 14, 2009.

Respectfully submitted,

TOWN OF CANTON

By its attorneys,

A handwritten signature in blue ink, appearing to read 'Paul R. DeRensis', is written over a horizontal line.

Paul R. DeRensis, BBO# 121000  
Daniel R. Deutsch, BBO# 551744  
DEUTSCH WILLIAMS BROOKS  
DERENSIS & HOLLAND, P.C.  
One Design Center Place  
Suite 600  
Boston, MA 02210  
(617) 951-2300  
[ddeutsch@dwboston.com](mailto:ddeutsch@dwboston.com)

Dated: September 11, 2009

**In the Matter of: Town of Canton, Massachusetts**

**Docket Number: CWA 01-2009-0070**

**CERTIFICATE OF SERVICE**

I hereby certify that copies of the foregoing MOTION FOR EXTENSION OF TIME IN WHICH TO ANSWER THE ADMINISTRATIVE COMPLAINT In the Matter of Town of Canton, Massachusetts, CWA 01-2009-0070, were sent to the following persons in the manner indicated:

Original and one copy by Hand Delivery:

Ms. Judy Lao-Ruiv, Acting Hearing Clerk  
United States Environmental Protection Agency Region 1  
One Congress Street, Suite 1100  
Boston, MA 02114-2023

Copy By Hand Delivery:

Kathleen Woodward, Senior Enforcement Counsel  
United States Environmental Protection Agency Region 1  
One Congress Street  
Boston, MA 02114-2023

September 11, 2009



Daniel R. Deutsch, BBO# 551744  
Counsel to Town of Canton  
One Design Center Place  
Suite 600  
Boston, MA 02210  
(617) 951-2300  
[ddeutsch@dwboston.com](mailto:ddeutsch@dwboston.com)