

Boston

Kopelman and Paige P.C.

Northampton

101 Arch Street

Boston, MA 02110

Worcester

(617)556-0007 / (617)654-1735 - fax

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Date: March 2, 2010

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This Fax was Sent By: Gregg J. Corbo, Esq.

Operator Initials: kjg

PLEASE DELIVER TO:

Name

Fax Number

Ms. Wanda Santiago, Regional Hearing Clerk
U.S. EPA, Region I

617-918-0101

COMMENTS OR INSTRUCTION:

Re: In the Matter of Town of Eastham
Docket No. CWA-01-2009-0073

Please see attached.

PLEASE CONTACT SENDER AT (617)654-1754 IF YOU HAVE NOT RECEIVED THE NUMBER OF PAGES NOTED ABOVE OR IF THERE ARE ANY PROBLEMS WITH THIS TRANSMISSION

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 1

DOCKET NO. CWA-01-2009-0073

In the Matter of
TOWN OF EASTHAM

Respondent.

FIFTH ASSENTED-TO MOTION
FOR EXTENSION OF TIME
IN WHICH TO ANSWER THE
ADMINISTRATIVE COMPLAINT

I. NEED FOR AN EXTENSION

On or about Thursday, August 17, 2009, the Town of Eastham (the "Town") received the Administrative Complaint in the above-captioned matter. Upon receipt of the Complaint, the Town immediately began an investigation of the allegations set forth therein and began to formulate a strategy for demonstrating compliance with its MS4 NPDES Permit. The Town, through Town Counsel, contacted EPA Case Attorney, Kathleen Woodward, to set up an initial settlement meeting. The parties met on Friday, September 11, 2009, at EPA offices in Boston and engaged in extensive settlement discussions. A follow-up meeting was held on Tuesday, September 29, 2009.

The settlement meetings were productive, and on February 12, 2010, EPA counsel conveyed an offer of settlement. The Town carefully considered the offer, and on February 19, 2010, the Town conveyed a counter-proposal. EPA counsel responded with several questions that are still being considered by the Town.

Settlement appears imminent, but this extension is necessary in order to finalize settlement discussions so that the parties can avoid incurring unnecessary litigation costs. It would impose an unnecessary and wasteful financial burden on the Town and waste the limited administrative resources of the agency to require preparation of an answer to the Administrative Complaint if, as appears likely, settlement of this matter and full compliance with the relevant

regulations can be demonstrated without having to do so. The requested thirty-day extension should provide sufficient time to determine if settlement is likely.

Legal counsel for EPA Region I, Kathleen Woodward, has indicated that she assents to this extension of time in which the answer the Administrative Complaint until April 2, 2010.

II. AUTHORITY TO GRANT AN EXTENSION

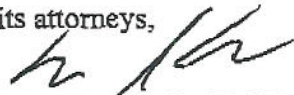
The Presiding Officer may grant an extension of time for filing any document, including a written answer to an administrative complaint, upon timely motion of a party to the proceedings, for good cause shown, and after consideration of prejudice to other parties, under the Consolidated Rules of Practice, 40 C.F.R. §22.7(b). This Motion is made with the assent 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 respectfully requests that the time for filing an Answer to this Complaint be extended until April 2, 2010.

TOWN OF EASTHAM

By its attorneys,



 Gregg J. Corbo (BBO# 641459)
 Jeffrey T. Blake (BBO# 655773)
 Kopelman and Paige, P.C.
 Town Counsel
 101 Arch Street, 12th Floor
 Boston, MA 02110-1109
 (617) 556-0007

Date: 3/2/10
 394840/EAHM/0168

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 1

DOCKET NO. CWA-01-2009-0073

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EPA ORC
CLERK OF COURT
HEARING CLERK

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KOPELMAN AND PAIGE, P.C.
The Leader in Municipal Law

101 Arch Street
Boston, MA 02110
T: 617.556.0007
F: 617.654.1735
www.k-plaw.com

March 2, 2010

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2010 MAR -3 P 4: 32

Gregg J. Corbo
gcorbo@k-plaw.com

BY FACSIMILE - (617) 918-0101
AND FEDERAL EXPRESS

Ms. Wanda Santiago
Regional Hearing Clerk
U.S. EPA, Region I
One Congress Street, Suite 1100 (RAA)
Boston, Massachusetts 02114-2023

Re: In the Matter of Town of Eastham
Docket No. CWA-01-2009-0073

Dear Ms. Santiago:

Enclosed for filing with respect to the above-referenced case, please find the Town of Eastham's Fifth Assented-to Motion for Extension of Time in Which to Answer the Administrative Complaint and a Certificate of Service.

Thank you for your attention to this matter.

Very truly yours,

Gregg J. Corbo

GJC/kjg

Enc.

cc: Town Administrator (by first class mail)
Kathleen E. Woodward, Esq. (by first class mail)

394843/EAHM/0168

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 1

DOCKET NO. CWA-01-2009-0073

RECEIVED
2010 MAR -3 P 4:52

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Respondent.

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IN WHICH TO ANSWER THE
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Town Counsel
101 Arch Street, 12th Floor
Boston, MA 02110-1109
(617) 556-0007

Date: 3/2/10
394840/EAHM/0168

CERTIFICATE OF SERVICE

I, Gregg J. Corbo, hereby certify that on the below date, I served a copy of the foregoing Fifth Assented-to Motion for Extension of Time in Which to Answer the Administrative Complaint, by first class mail, postage prepaid, to the following counsel of record:

Kathleen E. Woodward
Senior Enforcement Counsel
Office of Environmental Stewardship
U.S. EPA, Region I
One Congress Street, Suite 1100 (SEL)
Boston, MA 02114-2023

Dated: March 2, 2010



Gregg J. Corbo