

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 1

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In the Matter of:

TOWN OF CANTON, MASSACHUSETTS

Docket Number:  
CWA 01-2009-0070

**MOTION TO FURTHER EXTEND  
TIME IN WHICH TO ANSWER  
THE ADMINISTRATIVE  
COMPLAINT (ASSENTED-TO)**

The Town of Canton, Massachusetts ("Canton"), through undersigned counsel, hereby respectfully moves, with the assent of the Environmental Protection Agency, for an additional extension of forty-five (45) days, through March 1, 2010, 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 submitted to EPA a written settlement proposal. EPA acknowledged that the proposal was a good faith offer and assented to a motion for an extension of time. That motion was granted, extending time through October 15, 2009. EPA thereafter responded to Canton's proposal and the parties reached a settlement in principle. a Further extension WAS sought and WAS granted through November 30, 2009.

Canton then submitted to EPA a detailed proposal for the Supplemental Environmental Project that forms a part of the settlement in principle. EPA currently is evaluating that proposal, which when finalized will form part of the Consent Agreement and Final Order to document the settlement of this matter. A further extension was sought and was granted through and January 14, 2010. The parties are continuing to discuss and analyze technical and legal aspects of the proposal as EPA reviews it.

The requested extension through March 1, 2010 is necessary to permit the EPA to complete its review and for the parties to finalize settlement documentation. Such settlement would obviate the need for further formal proceedings and thereby conserve public resources, which are better devoted to environmental measures. The parties anticipate that the requested 45-day extension will provide sufficient time to complete that process.

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 March 1, 2010.

## **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 November 28, 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.

**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 TO FURTHER EXTEND 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  
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Date: January 15, 2010



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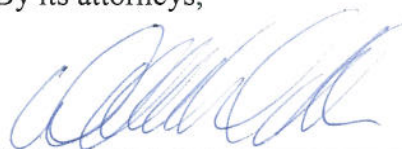
### III. REQUEST FOR EXTENSION

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 March 1, 2010.

Respectfully submitted,

TOWN OF CANTON

By its attorneys,



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Dated: January 15, 2010

