



UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY

BEFORE THE ADMINISTRATOR

RECEIVED

DEC - 1 2009

EPA ORC
Office of Regional Hearing Clerk

IN THE MATTER OF)	
)	
TOWN OF NORTH PROVIDENCE,)	DOCKET NO. CWA-01-2009-0093
DEPARTMENT OF PUBLIC WORKS,)	
)	
RESPONDENT)	


ORDER GRANTING MOTION TO FILE AMENDED COMPLAINT AND
FOR AN EXTENSION OF TIME TO FILE PREHEARING EXCHANGE

In its Motion filed November 4, 2009, Complainant requests leave to file an Amended Complaint and requests, on behalf of both parties, a corresponding extension of time to file the Answer to the Amended Complaint and the prehearing exchanges. In support of its Motion, Complainant alleges that an additional, related violation has occurred since the original Complaint was filed on September 18, 2009. Further, Complainant notes that it is actively engaged in settlement negotiations with the Respondent, a municipality, and needs additional time to conclude negotiations on both alleged violations. The Respondent has filed no objection to the Motion.

For good cause shown, the Complainant's Motion to Amend the Complaint is **Granted**. Complainant must now file and serve the Amended Complaint. Respondent's Answer shall be due 60 days^{1/} from the date the Amended Complaint is filed, or January 30, 2010, whichever is sooner. The parties are also granted an extension of time to file their prehearing exchange. The new schedule is as follows: Complainant must file a Status Report by January 15, 2010; Complainant's initial prehearing exchange is due February 26, 2010; Respondent's initial prehearing exchange

^{1/} Under the Consolidated Rules of Practice, respondent generally is given 20 days from the date the amended complaint is served to file its answer. 40 C.F.R. §22.14(c).

is due March 26, 2010; and Complainant's rebuttal, if any, is due April 9, 2010.



Barbara A. Gunning
Administrative Law Judge

Dated: November 25, 2009
Washington, DC

**In the Matter of Town of North Providence, Department of Public Works, Respondent.
Docket No. CWA-01-2009-0093**

CERTIFICATE OF SERVICE

I hereby certify that the foregoing **Order Granting Motion to File Amended Complaint and For An Extension of Time to File Prehearing Exchange**, dated November 25, 2009, was sent this day in the following manner to the addressees listed below.



Mary Angeles
Legal Staff Assistant

Original and One Copy by Pouch Mail to:

Judy Lao-Ruiz
Acting Regional Hearing Clerk
US EPA, Region I
One Congress Street, Suite 1100
Boston, MA 02114-2023

Copy by Pouch Mail to:

Tonia Bandrowicz, Esq.
Sr. Enforcement Counsel
US EPA, Region I
One Congress Street, Suite 1100
Boston, MA 02114-2023

Copy by Regular Mail to:

Stephen Burke, Esq.
Ratcliffe Harten Burke & Galamaga, LLP
1600 Financial Plaza
Providence, RI 02903

David Chopy
Chief, Office of Compliance & Inspection
RI DEM
235 Promenade Street
Providence, RI 02908-5767

Dated: November 25, 2009
Washington, D.C.



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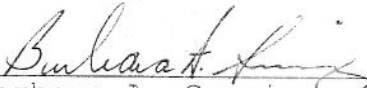
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