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RECEIVED
SEP 14 2012
EPA ORC
Office of Regional Hearing Clerk

September 12, 2012

Ms. Wanda Santiago
Regional Hearing Clerk
US Environmental Protection Agency – Region I
5 Post Office Square, Suite 100
Mail Code ORA17-1
Boston, MA 02109-3912

RE: Albee Realty Trust,
Lawrence Hill, Trustee and
Brian McCann, Trustee
117 Water Street, Milford, MA 01757
Docket No. CWA-01-2012-0003

Dear Ms. Santiago:

Enclosed herewith, please find the Motion for Extension of Time in Which to Answer and the Time in Which to Request a Hearing of the Administrative Complaint filed on behalf of Lawrence Hill and Brian McCann, Trustees for Albee Realty Trust, in response to the Administrative Complaint and Notice of Opportunity for Hearing filed by Kathleen E. Woodward on behalf of EPA Region I on June 12, 2012. I also enclose an appropriate proposed Order pertaining to the Motion.

Please file this Motion for Extension of Time in Which to Answer the Administrative Complaint in your usual manner. Thank you for your attention to this matter. Should you have any questions, please contact me at (508) 473-1070.

Very truly yours,

John V. Fernandes

JVF:dds
Enclosure
cc: client
Kathleen E. Woodward, Esquire
Martin Suuberg, Reg Director –Central Region MA DEP

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION I

RECEIVED
SEP 14 2012
EPA ORC
Office of Regional Hearing Clerk

DOCKET NUMBER
CWA-01-2012-0003

IN THE MATTER OF:)	
)	
Albee Realty Trust,	)	MOTION FOR EXTENSION OF
Lawrence Hill, Trustee and	)	TIME IN WHICH TO ANSWER THE
Brian McCann, Trustee	)	ADMINISTRATIVE COMPLAINT
117 Water Street	)	Proposing to Assess a Civil Penalty
Milford, MA 01757,	)	Under Section 309(g) of the Clean
Respondents	)	Water Act

I. NEED FOR AN EXTENSION

On, Thursday, June 14, 2012, Lawrence Hill and Brian McCann, Trustees of the Albee Realty Trust ("Albee") received the Administrative Complaint and Notice of Opportunity for Hearing ("Complaint") in the above captioned matter. The EPA case attorney, Kathleen Woodward, notified Albee of issuance of the Complaint, Albee contacted me on Monday, June 18, 2012, to seek representation in the matter. Since that time I have met with Albee, discussed the matter with Ms. Woodward and gathered background information. Based on the results of this initial investigation, Albee requested an initial thirty (30) day extension of the deadline for filing an answer to the administrative complaint and the time in which to request a Hearing which request was approved through August 13, 2012. Since that time, the parties have engaged in settlement discussions that been productive and the final settlement meeting is scheduled for Monday, September 17, 2012 at 10:30 a.m.

This extension is necessary in order to continue to explore the possibility for settlement of this matter so that Albee can avoid incurring unnecessary litigation costs. It would impose an unnecessary and wasteful financial burden on Albee to require preparation of an answer to the Administrative Complaint if, as appears possible, settlement of this matter and full compliance with the relevant regulations can be achieved without having to do so. The requested additional two week extension should provide sufficient time to finalize settlement discussions and documentation.

Legal counsel for EPA Region I, Kathleen Woodward, has indicated that she has no objections to this extension of time in which to answer the Administrative Complaint, until Wednesday, September 26, 2012.

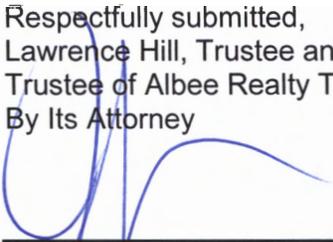
II. AUTHORITY TO GRANT AN EXTENSION

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 proceeding, for good cause shown, and after consideration of prejudice to other parties, under the Consolidated Rules of Practice, 40 C.F.R. sec. 22.7(b). This Motion is made sufficiently in advance of the due date of July 13, 2012 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, Albee respectfully requests that the time for filing an Answer to this Complaint be further extended to Wednesday, September 26, 2012.

Respectfully submitted,
Lawrence Hill, Trustee and Brian McCann,
Trustee of Albee Realty Trust,
By Its Attorney



John V. Fernandes
12 Main Street
P.O. Box 436
Milford, MA 01757
(508) 473-1070
BBO#163370

DATE: September 12, 2012

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION I

DOCKET NUMBER
CWA-01-2012-0003

IN THE MATTER OF:)	
)	
Albee Realty Trust,	)	ORDER GRANTING EXTENSION
Lawrence Hill, Trustee and	)	OF TIME TO FILE ANSWER TO
Brian McCann, Trustee	)	ADMINISTRATIVE COMPLAINT
117 Water Street	)	Proposing to Assess a Civil Penalty
Milford, MA 01757,	)	Under Section 309(g) of the Clean
Respondents	)	Water Act

ORDER

In accordance with 40 C.F.R. sec. 22.07 (b) and 22.16(c), for good cause shown, the time for Respondent to file an Answer and Request a Hearing, is extended to the close of business on Wednesday, September 26, 2012.

Date: _____

Regional Judicial Officer

IN THE MATTER OF: Lawrence Hill, Trustee
 Brian McCann, Trustee
 Albee Realty Trust

DOCKET NUMBER
CWA-01-2012-0003

CERTIFICATE OF SERVICE

I hereby certify that on this date, I served a copy of the foregoing within Motion for Extension of Time in Which to Answer of the Administrative Complaint in the matter of Lawrence Hill and Brian McCann, Trustees of Albee Realty Trust, CWA-01-2012-0003, were sent to the following persons in the manner indicated:

Original and one copy by Federal Express:

Ms. Wanda Santiago
Regional Hearing Clerk
US Environmental Protection Agency – Region I
5 Post Office Square, Suite 100
Mail Code ORA17-1
Boston, MA 02109-3912

One copy by First Class Mail:

Kathleen E. Woodward
Senior Enforcement Counsel
Office of Environmental Stewardship
U.S. EPA, Region I
5 Post Office Square, Suite 100
Mail Code OES4-2
Boston, MA 02109-3912

Martin Suuberg, Regional Director
Massachusetts DEP- Central Region
627 Main Street
Worcester, MA 01608



John V. Fernandes, Esq.
Counsel to Lawrence Hill and Brian
McCann, Trustees of Albee Realty Trust
12 Main Street
Milford, MA 01757
Phone (508) 473-1070
BBO # 163370

Date: September 12, 2012