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EPA ORC
Office of Regional Hearing Clerk

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION I

In the matter of:

Town of Plaistow
145 Main Street
Plaistow NH 03865

Respondent.

Docket Numbers: CWA-01-2009-0078

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

Proceedings Under Section 309(g)(2)(B)
Of the Clean Water Act and Section
3008(a) of the Resource Conservation and
Recovery Act

I. NEED FOR AN EXTENSION

On Thursday, August 14, 2009, Town of Plaistow received the Administrative Complaint and Notice of Opportunity for Hearing in the above-captioned matter. After contacting and discussing this request with the EPA case attorney and Sr. Enforcement Counsel, Kathleen Woodward, and after extensive efforts to address the alleged violations with EPA representatives through a detailed report dated September 8th 2009, the Town of Plaistow requests a fourteen (14) day extension of the deadline for filing an answer to the administrative complaint.

This extension is necessary in order to explore the possibility for settlement of this matter so that the Town of Plaistow can avoid incurring unnecessary litigation costs which would further challenge the financial stability of the business. We have scheduled an informal settlement conference with EPA Region I on September 22nd as the first step in exploring settlement. It would impose an unnecessary and wasteful financial burden on the Town of Plaistow 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 14 day extension should provide sufficient time to determine if a settlement is likely.

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, and has informed me that the EPA has assented to an extension of 14 days until September 30th, 2009.

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 22.7(b). This Motion is made in advance of the due date of September 16th, 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 to file an Answer to the Administrative Complaint, the Town of Plaistow respectfully requests that the time for filing an Answer to this Complaint be extended until September 30th, 2009.

Respectfully Submitted,


Sean Fitzgerald
Town Manager

Sean Fitzgerald
Town Manager
145 Main Street
Plaistow NH 03865
(603) 382-5200 x13 (tel.)
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sfitzgerald@Plaistow.com

DATED: September 10, 2009



Town of Plaistow, New Hampshire
OFFICE OF THE TOWN MANAGER
Sean R. Fitzgerald

Plaistow Town Hall
145 Main Street
Plaistow, NH 03865

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September 10, 2009

EPA ORC
Office of Regional Hearing Clerk

Ms. Wanda Rivera
Regional Hearing Clerk
U.S. Environmental Protection Agency - Region I
One Congress Street
Suite 1100, Mail Code RAA
Boston, Massachusetts 02114-2023

CWA -
CAA-01-2009
- 0078

Re: In the Matter of: Town of Plaistow

Dear Ms. Rivera:

Enclosed herewith please find the **MOTION FOR EXTENSION OF TIME IN WHICH TO ANSWER THE ADMINISTRATIVE COMPLAINT** filed on behalf of Town of Plaistow, in response to the Administrative Complaint and Notice of Opportunity for Hearing filed by Kathleen E. Woodward on behalf of EPA Region I on August 14, 2009. 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 (603)382-5200 ext 13.

Sincerely,


Sean Fitzgerald
Town Manager

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

Proposed **ORDER GRANTING EXTENSION OF TIME**