

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 1

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IN THE MATTER OF:)	
)	JOINT MOTION FOR EXTENSION
)	OF TIME FOR RESPONDENT TO
)	FILE A WRITTEN REQUEST FOR
ATLANTIC UNION COLLEGE)	HEARING AND TO ANSWER THE
338 Main Street)	COMPLAINT
South Lancaster, MA)	
)	
)	Proceeding to Assess Class II Civil Penalty
)	Under Sections 308 and 311 of the Clean
)	Water Act and a Civil Penalty under
)	Section 312 of the Emergency Planning
)	and Community Right-to-Know Act
)	
Respondent.)	Docket Nos. CWA-01-2009-0020
)	EPCRA-01-2009-0021

The parties hereby request pursuant to 40 CFR § 22.7(b) *Extensions of time* that the Presiding Officer extend the time for the respondent to request a hearing and file an Answer to the Complaint by 45-days.

AUTHORITY

Pursuant to 40 CFR § 22.7(b) Extensions of Time:

“[T]he Presiding Officer may grant an extension of time for filing **any document**: upon timely motion of a party to the proceeding, for good cause shown, and after consideration of prejudice to other parties; or upon its own initiative.”

(Emphasis added)

ARGUMENT

The Presiding Officer should grant the parties’ motion, as there is good cause to extend the time for the respondent to request a hearing and file an Answer to the Complaint. Atlantic Union College (“the College”), a non-profit religious higher education institution, and Complainant have entered into settlement discussions which cannot be concluded within the 30-day period as they include an analysis of the College’s

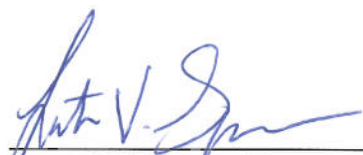
ability to pay and potential Supplemental Enforcement Projects in coordination with a third party environmental advocacy group. See 40 CFR § 22.7(b);

Additionally, as of the date of this motion the Complainant has yet to determine its initial settlement offer and Complainant's counsel will be on a previously scheduled vacation during March 23-27, 2009, limiting the ability of the parties to continue settlement discussions. Finally, by granting this motion the Presiding Officer will encourage settlement by reducing litigation costs to the parties.

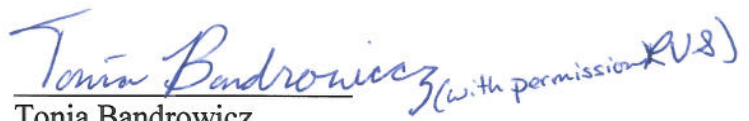
There, is no prejudice to either party as the parties have agreed to the Joint Motion for Extension of Time.

WHEREFORE, the parties respectfully, request that the Presiding Officer grant their Joint Motion For Extension Of Time For Respondent To File A Written Request For Hearing And To Answer The Complaint and extend the deadline for Respondent to request a hearing and Answer the Complaint by 45-days.

Respectfully Submitted,



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Tonia Bandrowicz
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Office of Environmental Stewardship
U.S. Environmental Protection Agency
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CERTIFICATE OF SERVICE

I certify that the foregoing NOTICE OF APPEARANCE and JOINT MOTION FOR EXTENSION OF TIME FOR RESPONDENT TO FILE A WRITTEN REQUEST FOR HEARING AND TO ANSWER THE COMPLAINT and was sent to the following persons, in the manner specified, on the date below:

Original and one copy via overnight mail: Wanda Rivera ✓
Regional Hearing Clerk
U.S. EPA, Region 1
One Congress Street (RA)
Boston, MA 02114-2023

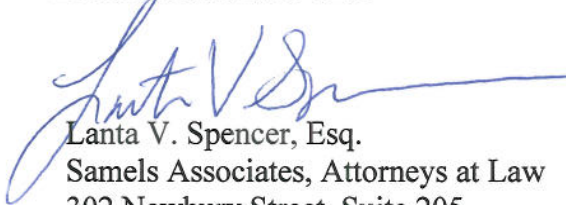
Copy via overnight mail: LeAnn Jensen,
Acting Regional Judicial Officer
U.S. Environmental Protection Agency,
Region 1
One Congress Street, Suite 1100
Boston, MA 02114-2023

Copy via electronic mail and overnight mail: Tonia Bandrowicz, Esq.
Senior Enforcement Counsel
Office of Environmental Stewardship
U.S. Environmental Protection Agency,
Region 1
One Congress Street, Suite 1100 (SEL)
Boston, MA 02114-2023
Bandrowicz.tonia@epa.gov

Copy via regular mail: Albe Simenas
MAEP - BWSC
One Winter Street
Boston, MA 02108

CDR Wayne Clayborne
First Coast Guard District
Captain John Foster Williams Building
408 Atlantic Avenue
Boston, MA 02210-2209

Dated: March 20, 2009


Lanta V. Spencer, Esq.
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Framingham, MA 01701

SAMELS ASSOCIATES

ATTORNEYS AT LAW

RECEIVED
MAR 23 2009
EPA ORC
Office of Regional Hearing Clerk

VIA OVERNIGHT MAIL

March 20, 2009

Ms. Wanda Rivera
Regional Hearing Clerk
U.S., Environmental Protection Agency, Region 1
One Congress St., Suite 1100 (RAA)
Boston, MA 02114-2023

Re: In the Matter of Atlantic Union College
Docket Nos. CWA-01-2009-0020; EPCRA-01-2009-0021

Dear Ms. Rivera:

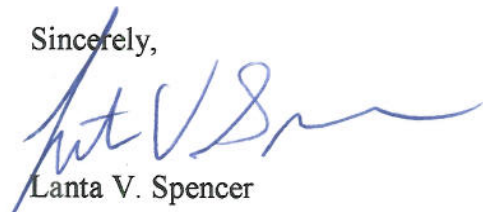
Enclosed for filing please find an original and a copy of the following for filing in the above reference matter:

1. *Notice of Appearance and*
2. *Joint Motion For Extension Of Time For Respondent To File A Written Request For Hearing And To Answer The Complaint.*

Kindly, bring the Joint Motion for Extension of Time to the attention of LeAnn Jensen, the Acting Regional Judicial Officer. If there are any questions do not hesitate to contact my office.

Your attention to this matter is appreciated.

Sincerely,



Lanta V. Spencer

Enclosures

cc: LeAnn Jensen, Acting Regional Judicial Officer, U.S. EPA
Tonia Bandrowicz, Esq., Senior Enforcement Counsel, U.S. EPA
Albe Simenas, MADEP – BWSC
CDR Wayne Clayborne, First Coast Guard District