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March 2, 2010

2010 MAR -3 F 4: 32
REC'D
HEARING CLERK

Gregg J. Corbo
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BY FACSIMILE - (617) 918-0101
AND FEDERAL EXPRESS

Ms. Wanda Santiago
Regional Hearing Clerk
U.S. EPA, Region I
One Congress Street, Suite 1100 (RAA)
Boston, Massachusetts 02114-2023

Re: In the Matter of Town of Dennis
Docket No. CWA-01-2009-0072

Dear Ms. Santiago:

Enclosed for filing with respect to the above-referenced case, please find the Town of Dennis' Fifth Assented-to Motion for Extension of Time in Which to Answer the Administrative Complaint and a Certificate of Service.

Thank you for your attention to this matter.

Very truly yours,

Gregg J. Corbo

GJC/kjg
Enc.

cc: Town Administrator (by first class mail)
Legal Administrator (by first class mail)
Kathleen E. Woodward, Esq. (by first class mail)

394844/DENN/0210

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 1

DOCKET NO. CWA-01-2009-0072

RECEIVED
2010 MAR -3 P 4 32

In the Matter of

TOWN OF DENNIS

Respondent.

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

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I. NEED FOR AN EXTENSION

On or about Thursday, August 17, 2009, the Town of Dennis (the "Town") received the Administrative Complaint in the above-captioned matter. Upon receipt of the Complaint, the Town immediately began an investigation of the allegations set forth therein and began to formulate a strategy for demonstrating compliance with its MS4 NPDES Permit. The Town, through Town Counsel, contacted EPA Case Attorney, Kathleen Woodward, to set up an initial settlement meeting. The parties met on Friday, September 11, 2009, at EPA offices in Boston and engaged in extensive settlement discussions. A follow-up meeting was held on Tuesday, September 29, 2009.

The settlement meetings were productive, and on February 12, 2010 EPA counsel conveyed an offer of settlement. The Town is carefully considering the proposal, and the Board's decision-making body, the Board of Selectmen is scheduled to meet on March 2, 2010 to prepare a formal response.

Settlement appears imminent, but this extension is necessary in order to finalize settlement discussions so that the parties can avoid incurring unnecessary litigation costs. It would impose an unnecessary and wasteful financial burden on the Town and waste the limited administrative resources of the agency to require preparation of an answer to the Administrative

Complaint if, as appears likely, settlement of this matter and full compliance with the relevant regulations can be demonstrated without having to do so. The requested thirty-day extension should provide sufficient time to determine if settlement is likely.

Legal counsel for EPA Region I, Kathleen Woodward, has indicated that she assents to this extension of time in which the answer the Administrative Complaint until April 2, 2010.

II. AUTHORITY TO GRANT AN EXTENSION

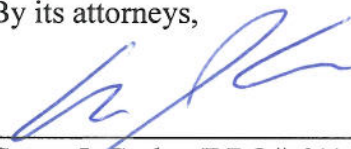
The Presiding Officer may grant an extension of time for filing any document, including a written answer to an administrative complaint, upon timely motion of a party to the proceedings, for good cause shown, and after consideration of prejudice to other parties, under the Consolidated Rules of Practice, 40 C.F.R. §22.7(b). This Motion is made with the assent 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, the Town respectfully requests that the time for filing an Answer to this Complaint be extended until April 2, 2010.

TOWN OF DENNIS

By its attorneys,



Gregg J. Corbo (BBO# 641459)
Jeffrey T. Blake (BBO# 655773)
Kopelman and Paige, P.C.
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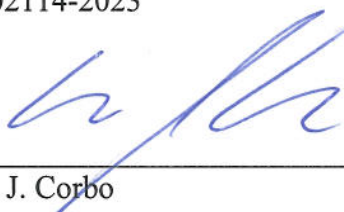
Date: 3/2/10

CERTIFICATE OF SERVICE

I, Gregg J. Corbo, hereby certify that on the below date, I served a copy of the foregoing Fifth Assented-to Motion for Extension of Time in Which to Answer the Administrative Complaint, by first class mail, postage prepaid, to the following counsel of record:

Kathleen E. Woodward
Senior Enforcement Counsel
Office of Environmental Stewardship
U.S. EPA, Region I
One Congress Street, Suite 1100 (SEL)
Boston, MA 02114-2023

Dated: March 2, 2010



Gregg J. Corbo