UNITED STATES ENVIRONMENTAL PROTECTION AGENCY REGION I

		Docket R.F. EWA 81-2009-0077
	_	2009 OCT 23 ₽ 3: 49
In the Matter of)	EPA ORC OFFICE OF REGION EARING CLERK
TOWN OF WINTHROP)	
1 Metcalf Square)	
Winthrop, Massachusetts 02152)	
•)	
Respondent)	
•)	
	í	

ASSENTED-TO MOTION TO EXTEND TIME TO ANSWER COMPLAINT

Pursuant to 40 CFR 22.7(b), the Respondent, the Town of Winthrop (the "Town"), hereby requests that the Presiding Officer issue an order extending the time period that the Town has to answer the Administrative Complaint in this matter by 47 days from October 28, 2009 to December 14, 2009. In support of this Motion, the Town states that good cause exists for granting an extension of time to file an answer where the Town and the Environmental Protection Agency ("EPA") have reached an agreement in principle to settle this matter. The Presiding Officer granted two prior extensions of the time to file an answer to allow the Town to meet with EPA to pursue settlement discussions, which have been successful. Specifically, the parties have agreed in principle to settle this matter for a cash penalty of \$8,000 and a Supplemental Environmental Project ("SEP") worth \$13,000 for a total penalty of \$21,000. The parties

¹ A 45-day extension would have resulted in a new deadline of Saturday, December 12, 2009.

must now finalize settlement documents, which will require Town officials and staff to produce a detailed analysis and description of the proposed SEP.

In addition, the Town notes that its lead counsel will be out of the country between October 21 and October 30, 2009, and therefore will be unavailable during that time.

The Town further states that no prejudice will result from the granting of this extension where both the Town and EPA have agreed to a settlement of this matter that will avoid the time and expense of any further administrative proceedings. EPA, through its senior enforcement counsel, has assented to this Motion.

WHEREFORE, the Town asks the Presiding Officer to issue an order granting this assented to Motion and extending the time period the Town has to answer the Administrative Complaint in this matter to December 14, 2009.

THE TOWN OF WINTHROP, By its attorneys,

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October 21, 2009

CERTIFICATE OF SERVICE

I hereby certify that I caused a true copy of the foregoing document to be served by mail upon counsel of record for each party and on the Regional Judicial Officer on October 21, 2009.