



June 10, 2015

BY EMAIL (R1_Hearing_Clerk_Filings@epa.gov)
AND FIRST CLASS MAIL

Ms. Wanda Santiago
Regional Hearing Clerk
U.S. EPA, Region I (ORA 18-1)
5 Post Office Square, Suite 100
Boston, MA 02109-3912

Re: In the Matter of: Bacon-Agostini Construction Co., Inc. and K.R. Rezendes, Inc.,
CWA-01-2015-0034

Dear Ms. Santiago:

Enclosed for filing in the above-referenced matter are: (1) Respondent Bacon-Agostini Construction Co., Inc.'s Second Unopposed Motion for Extension of Time to Respond to Administrative Complaint and (2) Bacon-Agostini's Certificate of Service.

Pursuant to the Standing Order Authorizing Filing and Service by E-Mail in Proceedings Before the Region 1 Regional Judicial Officer, Bacon-Agostini is filing the Unopposed Motion electronically.

Thank you for your attention to this matter.

Very truly yours,


Scott A. McQuilkin
(Kmj)

Enclosure

cc: William D. Chin, Esq. (w/enc. by Email and First Class Mail)
James Rezendes (w/enc. by Email and First Class Mail)
Pamela Talbot (w/enc. by First Class Mail)

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 1**

IN THE MATTER OF:)	
Bacon-Agostini Construction Co., Inc. and K.R. Rezendes, Inc.)	Docket No. CWA-01-2015-0034
Respondents.)	Administrative Complaint and Notice of Opportunity for Hearing
Somerset-Berkley Regional High School Construction Site 625 County Street Somerset, MA 02726)	Proceeding to Assess Class II of the Clean Water Act

**SECOND UNOPPOSED MOTION FOR EXTENSION
OF TIME TO RESPOND TO ADMINISTRATIVE COMPLAINT**

In accordance with 40 C.F.R. § 22.7, respondent Bacon-Agostini Construction Co., Inc. (“Bacon-Agostini”) respectfully requests an extension of time until and including July 30, 2015 to respond to the Administrative Complaint and Notice of Opportunity for Hearing in this matter (“Administrative Complaint”). Counsel for Bacon-Agostini has consulted with the United States Environmental Protection Agency’s (“EPA”) enforcement counsel on the filing of this motion and he does not oppose this motion.

As grounds for this motion, Bacon-Agostini states that requested extension is needed to allow Bacon-Agostini and the EPA’s enforcement counsel to determine whether the claims against Bacon-Agostini can be resolved through settlement without further action by the EPA or Bacon-Agostini in this case.

In further support of this motion, Bacon-Agostini states as follows:

1. Bacon-Agostini was served with the Administrative Complaint on April 13, 2015. Under 40 C.F.R. Part 22, Bacon-Agostini’s response to the Administrative Complaint currently is due on May 13, 2015.



2. The Administrative Complaint alleges certain violations of the Clean Water Act arising out of a construction project that took place in 2012 and 2013.

3. On May 6, 2015, Bacon-Agostini requested an extension until June 15, 2015 to respond to the Complaint, so that Bacon-Agostini's counsel would have sufficient time to investigate the allegations and so that Bacon-Agostini's counsel and the EPQ's enforcement counsel would be able to explore whether this matter can be resolved through settlement. On May 14, 2015, the EPA granted Bacon-Agostini's request.

4. Since that time, Bacon-Agostini's counsel has investigated the claims¹ and prepared for settlement discussions with the EPA's enforcement counsel. Bacon-Agostini and the EPA's enforcement counsel have not yet been in a position to engage in settlement discussions.

5. Bacon-Agostini and the EPA's enforcement counsel have agreed, however, that a further extension of time for Bacon-Agostini to respond to the complaint up to and including July 30, 2015 will allow the parties sufficient time to determine whether this matter can be settled without any further action by either party in this case.

6. No party will be prejudiced by the requested extension, and, as noted, the EPA's enforcement counsel does not object to this motion.

7. By filing this motion, Bacon-Agostini is not waiving any rights or defenses with respect to the Administrative Complaint.

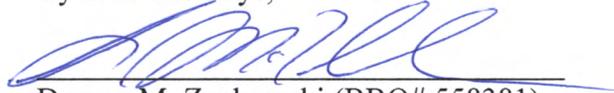
WHEREFORE, Bacon-Agostini respectfully requests that the Regional Judicial Officer enter an order extending the time by which Bacon-Agostini must respond to the Administrative Complaint up to and including July 30, 2015.

¹ The investigation of the claims is ongoing.

Dated: June 10, 2015

**BACON-AGOSTINI
CONSTRUCTION CO., INC.**

By their attorneys,

A handwritten signature in blue ink, appearing to be "D. Zankowski", written over a horizontal line.

Doreen M. Zankowski (BBO# 558381)

Scott A. McQuilkin (BBO# 643328)

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**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 1**

IN THE MATTER OF:)	
)	Docket No. CWA-01-2015-0034
Bacon-Agostini Construction Co., Inc.)	
and K.R. Rezendes, Inc.)	
)	Administrative Complaint and
Respondents.)	Notice of Opportunity for Hearing
)	
Somerset-Berkley Regional High School)	
Construction Site)	Proceeding to Assess Class II
625 County Street)	of the Clean Water Act
Somerset, MA 02726)	
)	

CERTIFICATE OF SERVICE

I hereby certify that the accompanying Second Unopposed Motion for Extension of Time to Respond to Administrative Complaint has been sent to the following persons on the date noted below:

Original and one copy by Email and First Class Mail:

Ms. Wanda Santiago
Regional Hearing Clerk
U.S. EPA, Region I (ORA 18-1)
5 Post Office Square, Suite 100
Boston, MA 02109-3912
(R1_Hearing_Clerk_Filings@epa.gov)

Copy by Email and First Class Mail:

William D. Chin, Esq.
U.S. EPA, Enforcement Counsel
5 Post Office Square, Suite 100
Boston, MA 02109-3912
(chin.bill@epa.gov)

Copy by Email and First Class Mail:

James Rezendes, President
K.R. Rezendes, Inc.
3 Sammy's Lane
P.O. Box 879
Assonet, MA 02702
(jrezendes@jrdinc.com)

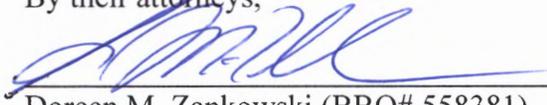
Copy by First Class Mail:

Pamela Talbot
Massachusetts Department of
Environmental Protection
One Winter Street, 7th Fl.
Boston, MA 02108

Dated: June 10, 2015

**BACON-AGOSTINI
CONSTRUCTION CO., INC.**

By their attorneys,



Doreen M. Zankowski (BBO# 558381)

Scott A. McQuilkin (BBO# 643328)

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