

May 6, 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 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,

A handwritten signature in blue ink, appearing to read "D. Zankowski".

Doreen M. Zankowski

Enclosure

cc: William D. Chin, Esq. (w/enc. by Email and First Class Mail) ([chin.bill@epa.gov](mailto:chin.bill@epa.gov))  
James Rezendes (w/enc. by 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

**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 June 15, 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 the requested extension is needed in order to allow Bacon-Agostini and its counsel sufficient time to investigate and respond to the Administrative Complaint, and to determine (along with the EPA’s enforcement counsel) whether the claims against Bacon-Agostini can be resolved through settlement.

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.

**RECEIVED**  
**MAY 12 2015**  
EPA ORC *WS*  
Office of Regional Hearing Clerk

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. An extension of time until June 15, 2015 to respond to the Administrative Complaint will give Bacon-Agostini and its counsel sufficient time to investigate the allegations in the Administrative Complaint and file a response to the Administrative Complaint.

4. In addition, Bacon-Agostini's counsel and the EPA's enforcement counsel have conferred and agree that the requested extension will allow Bacon-Agostini and the EPA to explore whether this matter can be resolved through settlement, and that they will explore the possibility of settlement between now and June 15, 2015.

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

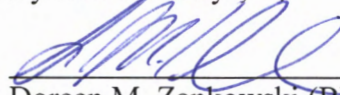
6. By filing this motion, Bacon-Agostini is not waiving any rights or defenses with respect to the Administrative Complaint.

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 June 15, 2015.

Dated: May 6, 2015

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

By their attorneys,



Doreen M. Zankowski (BBO# 558381)

Scott A. McQuilkin (BBO# 643328)

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# K. R. Rezendes, Inc.

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## SITE AND UTILITY CONSTRUCTION • LAND DEVELOPMENT

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April 24, 2015

United States Environmental Protection Agency, Region 1  
5 Post Office Square, Suite 100  
Boston, MA 02109-3912

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EPA ORC WS  
Office of Regional Hearing Clerk

Attention: Susan Studlien, Director  
Office of Environmental Stewardship  
EPA Region 1

Re: Administrative Complaint and Notice of Opportunity for Hearing under the Clear Water Act, EPA Docket No. CWA-01-2015-0034  
Somerset-Berkley Regional High School Construction Site, Somerset, MA 02726

Dear Ms. Studlien:

We are writing to acknowledge the receipt of the above referenced Complaint as required in accordance with 40 C.F.R. 22.15(a). We also wish to request an extension to file our answer as referenced in your letter. In order to be sure that we can answer the complaint correctly and in as much detail as possible, we do request an extension to July 10, 2015 to file our answer.

Thank you in advance for your consideration in this matter.

Sincerely yours,

James Rezendes  
President  
K. R. Rezendes, Inc.



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 1**

IN THE MATTER OF:	)	
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**CERTIFICATE OF SERVICE**

I hereby certify that the accompanying 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](mailto: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](mailto:chin.bill@epa.gov))

Copy by First Class Mail:

James Rezendes, President  
K.R. Rezendes, Inc.  
3 Sammy's Lane  
P.O. Box 879  
Assonet, MA 02702

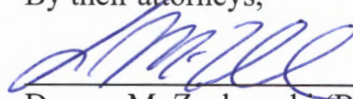
Copy by First Class Mail:

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

Dated: May 6, 2015

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

By their attorneys,



Doreen M. Zankowski (BBO# 558381)

Scott A. McQuilkin (BBO# 643328)

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