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December 11, 2012

**VIA FEDERAL EXPRESS**

Hon. Helen S. Ferrara  
Regional Judicial Officer  
U.S. Environmental Protection Agency  
290 Broadway, 16th Floor  
New York, New York 10007-1866

Re: *Town of Brookhaven – Docket No. CWA-02-2012-3313*  
*Request for Additional Extension*

U.S. ENVIRONMENTAL  
PROTECTION AGENCY-REG.11  
2012 DEC 12 P 3:28  
REGIONAL HEARING  
CLERK

Dear Judge Ferrara:

Our firm represents the Town of Brookhaven ("Town") in connection with the referenced matter. The Town received the U.S. Environmental Protection Agency's September 7, 2012 correspondence and Administrative Complaint, Findings of Violation, Notice of Proposed Assessment of an Administrative Penalty, and Notice of Opportunity to Request a Hearing (collectively, the "Complaint") on September 14, 2012. By letter dated October 3, 2012, the Town requested a sixty (60) day extension of time to answer the Complaint to provide time to reach a settlement in this matter. The Agency subsequently extended the Town's date to answer the Complaint until December 13, 2012.

The Town met with Agency representatives for an informal settlement conference on October 16, 2012. Shortly after that conference, an agreement in principle was reached to settle the matter. Town representatives are compiling information to provide the Agency so a Consent Agreement/Final Order ("CAFO") can be prepared. After the CAFO is prepared, Town procedures require that it be presented to the Town Board for review, consideration and ultimate approval. Although the parties are working diligently to bring this matter to resolution, these activities will not be completed by December 13, 2012 and, accordingly, the Town requests an additional extension of time to answer the Complaint.

At the present time, the Town Board has not finalized its meeting schedule for 2013, but meetings are anticipated for mid-January and in February. Since the Town cannot be certain at which meeting the CAFO would be considered, an extension until February 28, 2013 is requested. This is a lengthy extension, but we believe it is

Hon. Helen S. Ferrara  
December 11, 2012  
Page 2

warranted because a settlement in principle has been reached, and because the requested extension should provide sufficient time for the Town Board to complete the review of the CAFO it must undertake.


If for some reason, the Town Board is not able to consider the CAFO on the schedule proposed above, we will advise you of the status and request another extension. Please note that I have exchanged e-mails with EPA Assistant Regional Counsel Kim Kramer, who agrees that an extension is needed to finalize this matter.

Please note that I have submitted the original of this letter and one copy to Karen Maples, the Regional Hearing Clerk, and an electronic copy of this letter to Ms. Kramer.

Thank you for your time and consideration, and please call if you have questions.

Sincerely,

BOND, SCHOENECK & KING, PLLC

By:   
Robert R. Tyson

cc: Karen Maples  
Kim Kramer, Esq.  
Matt Miner  
Robert Quinlan, Esq.  
Mary Porter, Esq.  
Anthony Graves