

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION I**

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In the Matter of)
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CITY OF PEABODY)
City Hall)
24 Lowell Street)
Peabody, Massachusetts 01960)
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_____)

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Docket No. 01-2009-0076

EPA ORG
RESPONDENT'S MOTION TO
EXTEND TIME WITHIN
WHICH TO ANSWER THE
COMPLAINT PROCEEDING
UNDER CLEAN WATERS ACT
SECTION 309(g)(2)(B)

I. NEED FOR EXTENSION

On August 17, 2009, the City of Peabody was served an Administrative Complaint pursuant to 309(g)(2)(B) of the Clean Waters Act.

On September 10, 2009, the City of Peabody, through its City Solicitor, Public Services Director, City Engineer, and its Environmental Engineer met with Kathleen Woodward, Esquire and an EPA staff member to discuss settlement.

Substantial progress towards settlement was made at that meeting.

The parties agreed to meet on September 26, 2009 to resolve any remaining issues necessary to settle this matter.

The Respondent has subsequently made a cash offer to the Petitioner to resolve the proposed penalty.

Respondent wishes to avoid the expense of litigation and wishes not to utilize judicial resources if settlement is likely.

The Petitioner has assented to a 30 day extension of the time within which Respondent must answer the Complaint.

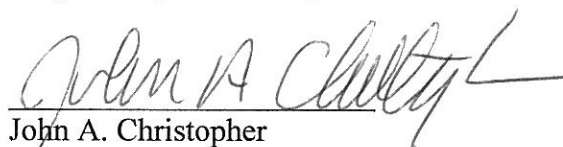
II. AUTHORITY TO GRANT EXTENSION

Pursuant to 40 C.F.R. §§ 22, 7(b), the Presiding Officer may grant an extension time for filing any document including an answer to an administrative complaint for good cause shown and in consideration of prejudice to other parties. In this case the parties have made substantial progress toward settlement and the Petitioner has suffered no prejudice as evidenced by its assent to this motion.

III. REQUEST FOR EXTENSION

Because there is good cause for an extension and the Petitioner has suffered no prejudice, Respondent requests that the time within which to answer the Administrative Complaint be extended from September 16, 2009 to October 16, 2009

Respectfully Submitted,



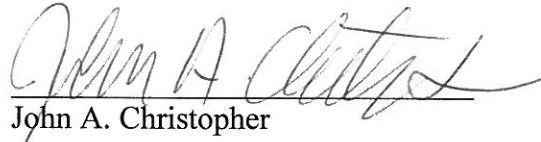
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Assented To: Kathleen Woodward, SAC
Kathleen Woodward, Esq.,
Senior Enforcement Counsel
Attorney for the Petitioner
U.S. EPA Region I
One Congress Street, Suite 1100 (RAA)
Boston, MA 02114
Woodward.Kathleen@epa.gov

Date: September 11, 2009

CERTIFICATE OF SERVICE

I, John A. Christopher, do hereby certify that I have served an original and one copy of the foregoing Respondent's Motion To Extend Time Within Which To Answer The Complaint Proceeding Under Clean Waters Act Section 309(g)(2)(B) together with Proposed Order by sending same via UPS overnight shipping to Wanda Rivera, Regional Hearing Clerk, U.S. EPA – Region I, 1 Congress Street, Suite 1100, Mail Code RAA, Boston, Massachusetts and I further certify that I have served a copy of the aforementioned documents via email and first-class mail postage prepaid to Kathleen Woodward, Senior Enforcement Counsel, U.S. EPA – Region I, 1 Congress Street, Suite 1100, Mail Code RAA, Boston, Massachusetts this 11th day of September, 2009.


John A. Christopher