

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION I

RECEIVED

\_\_\_\_\_  
In the Matter of: )  
The City of Gardner )  
\_\_\_\_\_ )

2009 OCT 22 P 4: 08  
Docket No. CWA-01-2009-0075

EPA ORC  
OFFICE OF  
REGIONAL HEARING CLERK

**MOTION FOR EXTENSION OF TIME IN WHICH TO ANSWER THE  
ADMINISTRATIVE COMPLAINT**

Proceeding Under Section 309(g)(2)(B) of the Clean Water Act and Section 3008(a) of the  
Resource Conservation and Recovery Act

**I. NEED FOR AN EXTENSION**

On Monday, August 17, 2009, the City of Gardner ("Gardner") received the  
Administrative Complaint in the above-captioned matter. The City's deadline for filing an  
answer was initially extended to October 16, 2009. The City of Gardner has submitted a written  
plan for compliance with the EPA and attended a meeting to discuss settlement on September 8,  
2009. The Parties have had a second settlement conference. The Parties continue to make  
progress toward settling this matter and the EPA has initiated an assessment of the City's ability  
to pay an administrative penalty.

This extension is necessary in order to continue to explore the possibility for settlement  
of this matter and to allow the City to provide the information necessary for the EPA to  
conduct the ability to pay assessment. In order to accomplish these tasks, the City is  
requesting a forty-five (45) day extension from October 16, 2009 to file its Answer. The  
requested forty-five day extension should provide sufficient time to determine if a settlement is  
likely.

Legal counsel for EPA Region I, Kathleen Woodward, has indicated that she has no objection.

## II. AUTHORITY TO GRANT AN EXTENSION

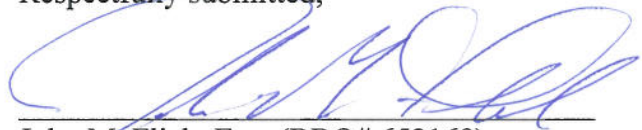
The Presiding Officer may grant an extension of time for filing any document, including a written answer to an administrative complaint, upon timely motion of a party to the proceeding, for good cause shown, and after consideration of prejudice to other parties, under the Consolidated Rules of Practice, 40 C.F.R. §22.7(b). This Motion is made in advance of the due date of September 16, 2009 to allow other parties to respond and to allow the Presiding Officer to issue an Order, especially in light of the assent by EPA counsel to issuance of the requested extension.

## III. REQUEST FOR EXTENSION

Because there is no prejudice to any other party and there is good cause for an extension of time in which to file an Answer to the Administrative Complaint, the City of Gardner respectfully requests that the time for filing an Answer to this Complaint be extended until November 30, 2009.

Dated this 19 day of October, 2009.

Respectfully submitted,



John M. Flick, Esq. (BBO# 652169)  
Jill A. Romer, Esq. (BB O# 551007)  
City of Gardner Law Department  
144 Central Street, Suite 201  
Gardner, MA 01440  
(978) 632-7948

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION I**

	)	
<b>In the Matter of:</b>	)	<b>Docket No. CWA-01-2009-0075</b>
	)	
<b>The City of Gardner</b>	)	
	)	
	)	

**PROPOSED ORDER**

In accordance with 40 C.F.R. §§ 22.07(B) and 22.16(c), for good cause shown, the time for Respondent to file an answer is extended to the close of business on November 30, 2009.

Dated this \_\_\_\_\_ day of October 2009

\_\_\_\_\_  
Sharon T. Wells Regional Judicial Officer

## CERTIFICATE OF SERVICE

I hereby certify that this 17 day of October, 2009 I served a true and correct copy of the foregoing document, via first class mail, postage pre-paid, on the following persons:

Ms. Wanda Santiago  
Regional Hearing Clerk  
U.S. Environmental Protection Agency – Region I  
One Congress Street  
Suite 1100, Mail Code RAA  
Boston, Massachusetts 02114-2023

Kathleen E. Woodward, Senior Enforcement Counsel  
U.S. EPA Region I  
One Congress Street, Suite 1100  
Boston, MA 02114-2023



John M. Flick

CITY OF GARDNER  
LAW DEPARTMENT

John M. Flick  
City Solicitor

Jill A. Romer  
Assistant City Solicitor



307 Central Street  
Gardner, MA 01440

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Writer's Email:

EPA ORC  
OFFICE OF  
REGIONAL HEARING CLERK

October 19, 2009

Regional Hearing Clerk  
U.S. Environmental Protection Agency – Region I  
One Congress Street  
Suite 1100, Mail Code RAA  
Boston, MA 02114-2023

Re: In the Matter of the City of Gardner, Massachusetts  
Docket No.: CWA 01-2009-0075

Dear Sir or Madam:

Enclosed for filing please find the City's second request for an Extension of Time to File an Answer in the above-referenced matter.

Thank you for your attention to this matter.

Very truly yours,

A handwritten signature in blue ink, appearing to read "John M. Flick".

John M. Flick

Enclosure

Cc: Mayor Mark P. Hawke, City of Gardner  
Kathleen E. Woodward, Senior Enforcement Counsel