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**MURTHA
CULLINA**

October 18, 2010

VIA OVERNIGHT MAIL

Ms. Wanda Rivera
Regional Hearing Clerk
U.S. Environmental Protection Agency -
Region 1
Mail Code ORA17-1
5 Post Office Square, Suite 100
Boston, Massachusetts 02109-3912

Re: In the Matter of Mt. Tom Generating Company, LLC
Docket No: CWA-01-2010-0059

Dear Ms. Rivera:

Enclosed please find the Motion for Extension of Time in Which to Answer the Administrative Complaint and Request a Hearing filed on behalf of Mt. Tom Generating Company LLC in response to the above-referenced Administrative Complaint and Notice of Opportunity for Hearing. I am also enclosing an appropriate proposed Order pertaining to the Motion.

Please file this Motion in your usual manner. Thank you for your attention to this matter. If you have any questions, please call me.

Sincerely,



Mark R. Sussman

Enclosure

cc: Susan Orr
Kathleen Woodward

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Murtha Cullina LLP | Attorneys at Law

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION I

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In the Matter of:

Docket No. CWA-01-2010-0059

Mt. Tom Generating Company, LLC
Route 5, Smith's Ferry
Holyoke, Massachusetts 01040

Proceeding to Assess a Class II Civil
Penalty Under Section 309(a) of the
Clean Water Act, as amended, 33
U.S.C. § 1319(a)

NPDES Permit No. MA0005339

Respondent.

October 18, 2010

**MOTION FOR EXTENSION OF TIME IN WHICH TO ANSWER THE
ADMINISTRATIVE COMPLAINT AND REQUEST A HEARING**

On October 1, 2010, Respondent, Mt. Tom Generating Company LLC ("Mt. Tom") received the Administrative Complaint and Notice of Opportunity for hearing in the above-captioned matter. Mt. Tom requests a thirty (30) day extension to the close of business on December 1, 2010 for filing an answer to the Administrative Complaint and for requesting a hearing for the following reasons:

1. Pursuant to the Consolidated Rules of Practice, 40 C.F.R. § 22.7(b), the Presiding Officer has authority to grant an extension of time for filing any document, including an 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. This Motion is made sufficiently in advance of the due date of November 1, 2010 to allow other EPA staff reasonable opportunity to respond and to allow the Presiding Officer reasonable opportunity to issue an order.

In the Matter of: Mt. Tom Generating Company, LLC

Docket No. CWA-01-2010-0059

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing MOTION FOR EXTENSION OF TIME IN WHICH TO ANSWER THE ADMINISTRATIVE COMPLAINT AND REQUEST A HEARING in the matter of Mt. Tom Generating Company, LLC, Docket No. CWA-01-2010-0059, were sent to the following persons in the manner indicated:

Original and one copy by UPS:

Ms. Wanda Rivera
Regional Hearing Clerk
U.S. Environmental Protection Agency-Region 1
5 Post Office Square, Suite 100
Mail Code ORA17-1
Boston, Massachusetts 02109-3912

Copy by First Class Mail and email:

Kathleen Woodward
Senior Enforcement Counsel
U.S. Environmental Protection Agency
5 Post Office Square, Suite 100
Mail Code OES4-2
Boston, Massachusetts 02109-3912



Mark R. Sussman

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION I

In the Matter of:

Docket No. CWA-01-2010-0059

Mt. Tom Generating Company, LLC
Route 5, Smith's Ferry
Holyoke, Massachusetts 01040

NPDES Permit No. MA0005339

**ORDER GRANTING EXTENSION
OF TIME IN WHICH TO
ANSWER THE
ADMINISTRATIVE COMPLAINT
AND REQUEST A HEARING**

Proceeding to Assess a Class II Civil
Penalty Under Section 309(a) of the
Clean Water Act, as amended, 33
U.S.C. § 1319(a)

Respondent.

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 and request a hearing is extended to the close of business on December 1, 2010.

DATED: _____

Regional Judicial Officer