

**SAMELS ASSOCIATES**  
ATTORNEYS AT LAW

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RECEIVED  
MAR 23 2009  
EPA ORC  
Office of Regional Hearing Clerk

**VIA OVERNIGHT MAIL**

March 20, 2009

Ms. Wanda Rivera  
Regional Hearing Clerk  
U.S., Environmental Protection Agency, Region 1  
One Congress St., Suite 1100 (RAA)  
Boston, MA 02114-2023

Re: In the Matter of Atlantic Union College  
Docket Nos. CWA-01-2009-0020; EPCRA-01-2009-0021

Dear Ms. Rivera:

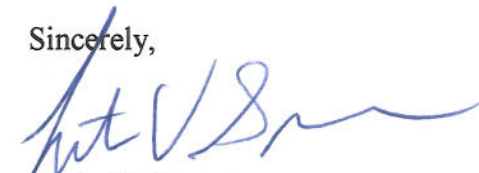
Enclosed for filing please find an original and a copy of the following for filing in the above reference matter:

1. *Notice of Appearance and*
2. *Joint Motion For Extension Of Time For Respondent To File A Written Request For Hearing And To Answer The Complaint.*

Kindly, bring the Joint Motion for Extension of Time to the attention of LeAnn Jensen, the Acting Regional Judicial Officer. If there are any questions do not hesitate to contact my office.

Your attention to this matter is appreciated.

Sincerely,



Lanta V. Spencer

Enclosures

cc: LeAnn Jensen, Acting Regional Judicial Officer, U.S. EPA  
Tonia Bandrowicz, Esq., Senior Enforcement Counsel, U.S. EPA  
Albe Simenas, MADEP – BWSC  
CDR Wayne Clayborne, First Coast Guard District

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 1

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IN THE MATTER OF:

NOTICE OF APPEARANCE

ATLANTIC UNION COLLEGE  
338 Main Street  
South Lancaster, MA

Proceeding to Assess Class II Civil Penalty  
Under Sections 308 and 311 of the Clean  
Water Act and a Civil Penalty under  
Section 312 of the Emergency Planning  
and Community Right-to-Know Act

Docket Nos. CWA-01-2009-0020  
EPCRA-01-2009-0021

Respondent.

Respondent, Atlantic Union College, by and through its counsel, Samels Associates, Attorneys at Law, respectfully files this Notice of Appearance before the Environmental Protection Agency, Region 1 of its counsel, Lanta V. Spencer, Esq. Samels Associates, Attorneys at Law, 205 Newbury Street, Suite 302, Framingham, MA 01701, Phone: 508-820-1177, Facsimile: 508-820-1133, in the above-captioned matter.

Submitted By:  Date: March 20, 2009

Lanta V. Spencer, Esq.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 1

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MAR 23 2009

EPA-ERC  
Office of Regional Counsel/ Clerk

\_\_\_\_\_  
IN THE MATTER OF: )

ATLANTIC UNION COLLEGE )  
338 Main Street )  
South Lancaster, MA )

Respondent. )  
\_\_\_\_\_

**JOINT MOTION FOR EXTENSION  
OF TIME FOR RESPONDENT TO  
FILE A WRITTEN REQUEST FOR  
HEARING AND TO ANSWER THE  
COMPLAINT**

Proceeding to Assess Class II Civil Penalty  
Under Sections 308 and 311 of the Clean  
Water Act and a Civil Penalty under  
Section 312 of the Emergency Planning  
and Community Right-to-Know Act

Docket Nos. CWA-01-2009-0020  
EPCRA-01-2009-0021

The parties hereby request pursuant to 40 CFR § 22.7(b) *Extensions of time* that the Presiding Officer extend the time for the respondent to request a hearing and file an Answer to the Complaint by 45-days.

**AUTHORITY**

Pursuant to 40 CFR § 22.7(b) Extensions of Time:

“[T]he Presiding Officer may grant an extension of time for filing **any document**: upon timely motion of a party to the proceeding, for good cause shown, and after consideration of prejudice to other parties; or upon its own initiative.”

(Emphasis added)

**ARGUMENT**

The Presiding Officer should grant the parties' motion, as there is good cause to extend the time for the respondent to request a hearing and file an Answer to the Complaint. Atlantic Union College (“the College”), a non-profit religious higher education institution, and Complainant have entered into settlement discussions which cannot be concluded within the 30-day period as they include an analysis of the College's


ability to pay and potential Supplemental Enforcement Projects in coordination with a third party environmental advocacy group. See 40 CFR § 22.7(b);


Additionally, as of the date of this motion the Complainant has yet to determine its initial settlement offer and Complainant's counsel will be on a previously scheduled vacation during March 23-27, 2009, limiting the ability of the parties to continue settlement discussions. Finally, by granting this motion the Presiding Officer will encourage settlement by reducing litigation costs to the parties.

There, is no prejudice to either party as the parties have agreed to the Joint Motion for Extension of Time.

WHEREFORE, the parties respectfully, request that the Presiding Officer grant their Joint Motion For Extension Of Time For Respondent To File A Written Request For Hearing And To Answer The Complaint and extend the deadline for Respondent to request a hearing and Answer the Complaint by 45-days.

Respectfully Submitted,

  
\_\_\_\_\_  
Lanta V. Spencer, Esq.  
Samels Associates, Attorneys at Law  
302 Newbury Street, Suite 205  
Framingham, MA 01701  
samelslaw@aol.com  
508-820-1177  
508-820-1133 (Facsimile)

  
\_\_\_\_\_  
Tonia Bandrowicz  
Senior Enforcement Counsel  
Office of Environmental Stewardship  
U.S. Environmental Protection Agency  
One Congress Street  
Suite 1100  
Boston, Massachusetts 02114-2023  
Mail Code: SEL  
617-918-1734  
617-918-1809 (FAX)  
bandrowicz.toni@epa.gov

**CERTIFICATE OF SERVICE**

I certify that the foregoing NOTICE OF APPEARANCE and JOINT MOTION FOR EXTENSION OF TIME FOR RESPONDENT TO FILE A WRITTEN REQUEST FOR HEARING AND TO ANSWER THE COMPLAINT and was sent to the following persons, in the manner specified, on the date below:

Original and one copy via overnight mail: Wanda Rivera ✓  
Regional Hearing Clerk  
U.S. EPA, Region 1  
One Congress Street (RA)  
Boston, MA 02114-2023

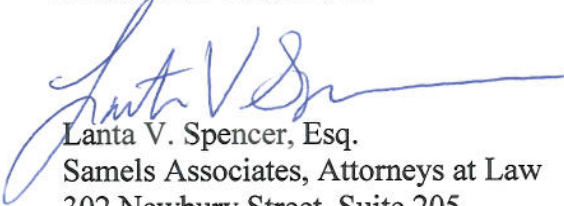
Copy via overnight mail: LeAnn Jensen,  
Acting Regional Judicial Officer  
U.S. Environmental Protection Agency,  
Region 1  
One Congress Street, Suite 1100  
Boston, MA 02114-2023

Copy via electronic mail and overnight mail: Tonia Bandrowicz, Esq.  
Senior Enforcement Counsel  
Office of Environmental Stewardship  
U.S. Environmental Protection Agency,  
Region 1  
One Congress Street, Suite 1100 (SEL)  
Boston, MA 02114-2023  
Bandrowicz.tonia@epa.gov

Copy via regular mail: Albe Simenas  
MAEP - BWSC  
One Winter Street  
Boston, MA 02108

CDR Wayne Clayborne  
First Coast Guard District  
Captain John Foster Williams Building  
408 Atlantic Avenue  
Boston, MA 02210-2209

Dated: March 20, 2009

  
Lanta V. Spencer, Esq.  
Samels Associates, Attorneys at Law  
302 Newbury Street, Suite 205  
Framingham, MA 01701

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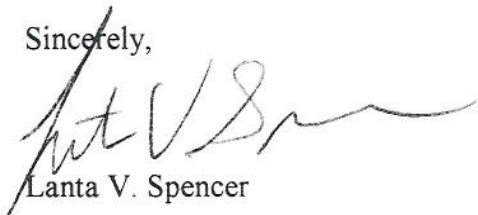
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Lanta V. Spencer

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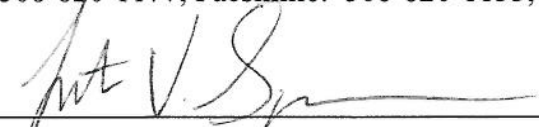
cc: LeAnn Jensen, Acting Regional Judicial Officer, U.S. EPA  
Tonia Bandrowicz, Esq., Senior Enforcement Counsel, U.S. EPA  
Albe Simenas, MADEP – BWSC  
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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 1

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<b>338 Main Street</b> )	Under Sections 308 and 311 of the Clean
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Submitted By:  Date: March 20, 2009  
Lanta V. Spencer, Esq.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 1

_____ )	
IN THE MATTER OF: )	<b>JOINT MOTION FOR EXTENSION</b>
)	<b>OF TIME FOR RESPONDENT TO</b>
)	<b>FILE A WRITTEN REQUEST FOR</b>
ATLANTIC UNION COLLEGE )	<b>HEARING AND TO ANSWER THE</b>
338 Main Street )	<b>COMPLAINT</b>
South Lancaster, MA )	
)	
)	Proceeding to Assess Class II Civil Penalty
)	Under Sections 308 and 311 of the Clean
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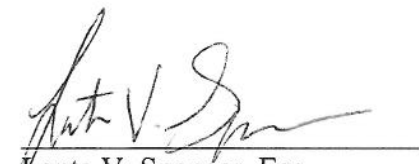
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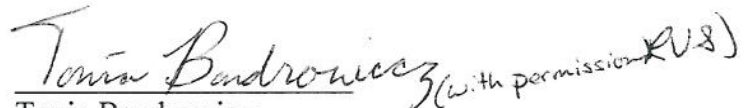
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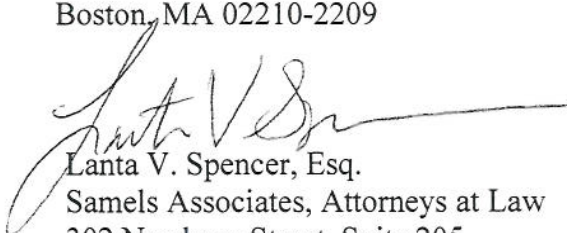
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U.S. Environmental Protection Agency,  
Region 1  
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Boston, MA 02114-2023  
Bandrowicz.tonia@epa.gov
- Copy via regular mail: Albe Simenas  
MAEP - BWSC  
One Winter Street  
Boston, MA 02108
- CDR Wayne Clayborne  
First Coast Guard District  
Captain John Foster Williams Building  
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- Dated: March 20, 2009   
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