

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 1

2015 SEP 25 AM 9:38
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IN THE MATTER OF)	
)	
Cashman Dredging and Marine)	Proceeding to Assess Civil Penalty
Contracting Co., LLC,)	under Section 105(a) of the
549 South Street,)	Marine Protection, Research and
Quincy, Massachusetts,)	Sanctuaries Act, 33 U.S.C. § 1415(a)
)	
Respondent.)	Docket No. MPRSA-01-2015-0035
)	

**COMPLAINANT’S MOTION TO AMEND COMPLAINT AND
EXTEND TIME TO FILE CONSENT AGREEMENT AND FINAL ORDER**

Pursuant to 40 C.F.R. §§ 22.14(c) and 22.16(a) of the *Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits* (the “*Consolidated Rules*”), Complainant U.S. Environmental Protection Agency, Region 1, with the concurrence of the Respondent, moves to amend the Complaint in this case. The purpose of the amendment is to substitute as the entity responsible for the violation involved in the New Bedford, Massachusetts disposal incident, the joint venture Cashman-Weeks, NB, JV, in place of Cashman Dredging and Marine Contracting Co., LLC.

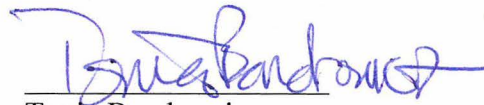
Section 22.14(c) of the *Consolidated Rules* provides that the Complainant may amend the complaint after the answer is filed upon motion granted by the Presiding Officer. For the good cause shown, the Complainant requests that the Presiding Officer grant Complainant’s motion to amend the Complaint in this case. If approved, Complainant will file and serve the Amended Complaint, a copy of which is attached.

The parties have, however, reached a settlement in this case, and are in the process of signing a Consent Agreement and Final Order. Once all the signatures are obtained and the

motion to amend the complaint is approved, the parties will submit the Consent Agreement and Final Order to the Regional Judicial Officer for approval and issuance of the Final Order. The fully executed document will then be filed with the Regional Hearing Clerk with a copy to the Presiding Officer. Accordingly, Complainant also requests, with Respondent's concurrence, an extension to complete execution and filing of a Consent Agreement and Final Order resolving this matter.

Respectfully submitted,

Dated: 9-24-15



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CERTIFICATE OF SERVICE

I certify that the foregoing Motion to Amend Complaint and proposed Consent Agreement and Final Order and Extend Time to File Consent Agreement and Final Order was transmitted to the following persons, in the manner specified, on the date below:

Original and one copy
by Overnight Mail

Sybil Anderson,
Headquarters Hearing Clerk
U.S. Environmental Protection Agency
Ronald Reagan Building, Room M1200
1300 Pennsylvania Ave., NW
Washington, DC 20004

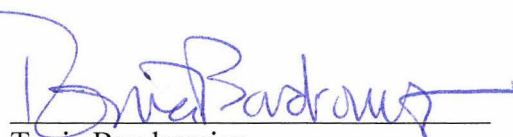
Copy by Overnight Mail,

Honorable Susan L. Biro,
Chief Administrative Law Judge
U.S. EPA
Office of Administrative Law Judges
Franklin Court Building
1099 14th Street, NW, Suite 350
Washington, DC 20460

Copy by certified mail,
return receipt requested:

Richard A. Nysten, Jr., Esq.
Lynch, DeSimone & Nysten, LLP
10 Post Office Square, Suite 970N
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Dated: 9-24-15



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