

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
BEFORE THE ADMINISTRATOR

In the Matter of:

Florida Avenue Mid-Atlantic
Petroleum Properties, LLC
and
Mid-Atlantic Petroleum Properties, Inc.

Respondents

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Docket No. RCRA-03-20098-0430

ORDER GRANTING EXTENSION OF TIME

A Prehearing Order dated November 25, 2008 was issued in this proceeding, directing the parties to submit a Consent Agreement and Final Order (CAFO) if this matter is settled or Complainant to file its prehearing exchange on January 16, 2009. On December 22, 2008, the Complainant submitted a Status Report stating that the parties have reached an agreement in principle. Within the Status Report, Complainant requests an extension of time until January 30, 2009 to file the CAFO instead of its Prehearing Exchange.

Complainant failed to file a *motion* for extension of time, entitled as such (e.g. "Motion for Extension of Time and Status Report"), which likely would result in the Status Report being filed as such without the request therein being ruled upon. Complainant also failed to state the position of Respondent on a motion, as directed in the Prehearing Order.

Nevertheless, the request was noticed by the undersigned's staff, and good cause exists for granting the request in that it is in the interest of the parties and judicial economy for the parties to settle this matter on mutually agreeable terms rather than to litigate this matter to a conclusion. In that a hearing has not yet been scheduled in this proceeding, a brief delay will not result in any prejudice.

An extension of time to file a CAFO generally is not granted "instead of," or cancelling, the prehearing exchange. Maintaining the prehearing exchange requirement encourages both parties' earnest efforts to bring the case to a resolution. However, a simultaneous prehearing exchange which would advance the due date for Respondent's prehearing exchange is not appropriate in the circumstances here.

Accordingly, the requested extension of time is hereby **GRANTED**. The parties shall file a fully executed CAFO in this matter or Complainant shall file its prehearing exchange on or

before **January 30, 2009**. If a CAFO has not been filed beforehand, Respondent shall file its prehearing exchange on or before **February 6, 2009**, and Complainant shall file any rebuttal thereto on or before **February 20, 2009**. **The parties are hereby reminded that failure to submit the CAFO in a timely manner may result in entry of an order of dismissal or default, as appropriate, without further notice.**



Susan L. Biro
Chief Administrative Law Judge

Dated: January 7, 2009
Washington, D.C.

In the Matter of Florida Avenue Mid-Atlantic Petroleum Properties, LLC and Mid-Atlantic Petroleum Properties, LLC, Respondents
Docket No. RCRA-03-2008-0430

CERTIFICATE OF SERVICE

I certify that the foregoing **Order Granting Extension Of Time**, dated January 7, 2009, was sent this day in the following manner to the addressees listed below.



Maria Whiting-Beale
Staff Assistant

Dated: January 7, 2009

Original And One Copy By Pouch Mail To:

Lydia A. Guy
Regional Hearing Clerk (3RC00)
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1650 Arch Street
Philadelphia, PA 19103-2029

Copy Pouch Mail To:

Donzetta W. Thomas, Esquire
Louis F. Ramalho, Esquire
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Copy By Regular Mail To:

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