

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2**

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In the Matter of :
Ampacet Corporation, :
Respondents. :
Proceeding under Section 16(a) of the :
Toxic Substances Control Act. :
----- x

MOTION FOR EXTENSION OF TIME
Docket No. TSCA-02-2009-9243

U.S. ENVIRONMENTAL
PROTECTION AGENCY-REG. II
2010 AUG -5 PM 3:42
REGIONAL HEARING
CLERK

STATUS REPORT

On June 18, 2010, this honorable court ordered Complainant to file a fully executed Consent Agreement and Final Order (“CAFO”) or her initial prehearing exchange by August 6, 2010.

The parties have been working diligently to file a fully executed CAFO in the above-captioned matter. The CAFO document has been approved in principle by the parties and approved in fact by the Respondent and at EPA by all but the Regional Administrator’s office, where it currently awaits signature. The Regional Administrator’s staff cannot predict when the Deputy Regional Administrator and the Regional Administrator will have opportunity to review and sign.

MOTION FOR EXTENSION OF TIME TO FILE PREHEARING EXCHANGE

This motion is Complainant’s second request for an Order extending the time to file prehearing exchange. On June 17, 2010, I reported that the parties had reached settlement in principle and believed that six weeks would be sufficient time to draft, execute, and file a Consent Agreement and Final Order, and I respectfully moved this Court for such an Order. Despite the parties’ best efforts to complete the filing of the CAFO before August 6, 2010, we are still days away from so doing.

Section 22.7(b) of EPA’s Consolidated Rules of Practice, 40 C.F.R. § 22.7(b), provides that

...the 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... .

CERTIFICATE OF SERVICE

I certify that I have this day caused to be sent the foregoing MOTION, bearing the below-referenced docket number, in the following manner to the respective addressees below:

Original and One Copy

by Hand:

Office of Regional Hearing Clerk
U.S. Environmental Protection Agency - Region 2
290 Broadway, 16th floor
New York, New York 10007-1866

Copy by Pouch Mail

and FAX:

Administrative Law Judge Barbara A. Gunning
Office of Administrative Law Judges
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Mail Code 1900 L
Washington, D.C. 20460
Fax: 202-565-0044

Copy by Mail:

Rachel E. Deming, Esq.
Scarola Ellis LLP
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New York, NY 10106

Dated: August 5, 2010

New York, New York


