

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
BEFORE THE ADMINISTRATOR

U.S. ENVIRONMENTAL
PROTECTION AGENCY-REG.11
2008 DEC 18 PM 3:58
REGIONAL HEARING
CLERK

In the Matter of:)
)
WALLACE SILVERSMITHS)
DE PUERTO RICO, LTD.,)
)
Respondent.)

Docket No. RCRA-02-2008-7109

ORDER ON MOTION FOR 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. Further, the Order directed Respondent to file its prehearing exchange on February 6, 2009 and Complainant to file any rebuttal thereto on February 20, 2009. On December 16, 2008, Complainant submitted a Status Report and Motion for Extension of Time, requesting a 45-day extension of time, until March 2, to file the CAFO or its prehearing exchange.

The Motion states that the parties have reached a settlement in principle of this matter, subject to concurrence by EPA's senior management, and that Respondent supports the Motion. A 45-day extension of time is a relatively lengthy extension and Complainant has not set forth reasons for needing that much time to complete the CAFO. However, the Complaint in this matter alleges five counts of violations relating to hazardous waste storage and includes a proposed Compliance Order, which suggests that the CAFO may be relatively complex. Moreover, the holiday season is approaching, which may cause delays in drafting the CAFO.

Good cause exists for the granting of the Motion 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 litigate the matter to conclusion. In that a hearing in this case has not been scheduled, no prejudice will result from a brief delay.

Complainant also requests, if it files a prehearing exchange rather than a CAFO on March 2, that Respondent be required to file its prehearing exchange on March 12 and that Complainant be required to file a rebuttal prehearing exchange on March 27, on the basis that these dates are consistent with the filing schedule in the Prehearing Order. These dates provide a ten-day period after Complainant's prehearing exchange for Respondent to file its prehearing exchange, and a 15-day period thereafter for the rebuttal. The Prehearing Order, however, provided a three week period after the due date Complainant's prehearing exchange for Respondent's prehearing

exchange, and a 14-day period thereafter for Complainant's rebuttal prehearing exchange. To maintain consistency with this filing schedule, the due dates are reset as provided below.

Accordingly, the Motion for 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 **March 2, 2009**. If a CAFO has not been filed beforehand, Respondent shall file its prehearing exchange on or before **March 23, 2009**, and Complainant shall file any rebuttal thereto on or before **April 6, 2009**.



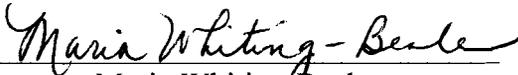
Susan L. Biro
Chief Administrative Law Judge

Dated: December 16, 2008
Washington, D.C.

In the Matter of Wallace Silversmiths de Puerto Rico, Ltd., Respondent
Docket No. RCRA-02-2008-7109

CERTIFICATE OF SERVICE

I certify that the foregoing **Order On Motion For Extension Of Time**, dated December 16, 2008, was sent this day in the following manner to the addressees listed below.


Maria Whiting-Beale
Staff Assistant

Dated: December 16, 2008

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