

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
BEFORE THE ADMINISTRATOR

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U.S. ENVIRONMENTAL
PROTECTION AGENCY

In the Matter of:

WISCONSIN VENEER AND PLYWOOD, INC.,

Respondent

)
)
) Docket No. CAA-05-2008-0038
)
)

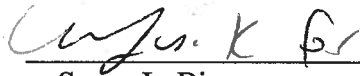
ORDER ON SECOND JOINT MOTION FOR EXTENSION OF TIME

By Order dated November 26, 2008, the parties were directed to file Prehearing Exchanges and due dates were set, including a due date of January 16, 2009 for a Consent Agreement and Final Order (CAFO) to be filed or Complainant's Initial Prehearing Exchange. The parties filed a Joint Motion for Extension of time, requesting a thirty day extension of the due dates, and by Order dated January 8, 2009, the motion was granted, setting due dates of February 16, 2009 for Complainant's Initial Prehearing Exchange, March 9 for Respondent's Prehearing Exchange, and March 23 for Complainant's Rebuttal. On February 11, 2009, the parties filed a Second Joint Motion for Extension of Time, requesting a ninety (90) day extension of the deadlines.

A prehearing schedule may be modified for good cause, in that it is in the interest of the parties and judicial economy for the parties to settle a matter on mutually agreeable terms rather than litigate the matter to conclusion. Where a hearing has not yet been scheduled, no prejudice will result from a *brief* delay. However, an extension of 90 days to file a CAFO is unusually lengthy, and such lengthy extensions will not be granted absent specific and persuasive reasons for such a delay. Such a lengthy extension of time is not warranted here where the Motion simply states that the parties "continue to need additional time to evaluate the complicated information that the parties are exchanging," but does not specify any particular need, such as preparing a complex Supplemental Environmental Project, which would warrant a lengthy extension of time. The parties have not set forth any justification as to why a time period shorter than three months would not be sufficient. Moreover, the parties do not report that they have reached a settlement in principle, and they have already been granted an extension of 30 days. However, in the interest of efficiency, conserving parties' resources and encouraging the settlement of actions, the parties will be granted a reasonable extension of time.

Accordingly, Complainant shall file the fully executed Consent Agreement and Consent Order, or its Initial Prehearing Exchange, **on or before March 16, 2009.** If the CAFO is not filed beforehand, Respondent shall file its Prehearing Exchange on or before **April 6, 2009,** and

Complainant shall file any Rebuttal Prehearing Exchange on or before **April 20, 2009**.

A handwritten signature in cursive script, appearing to read "Susan L. Biro", is written over a horizontal line.

Susan L. Biro
Chief Administrative Law Judge

Date: February 13, 2009
Washington, D.C.

In the Matter of Wisconsin Veneer and Plywood, Inc, Respondent
Docket No. CAA-05-2008-0038

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CERTIFICATE OF SERVICE

I hereby certify that a true copy of the **Order on Second Joint Motion for Extension of Time**, dated February 13, 2009 was sent this day in the following manner to the addressees listed below:

Original and One Copy by Pouch Mail to:

Tywanna Greene, Acting Regional Hearing Clerk
U.S. EPA - Region 5
77 West Jackson Boulevard, E-13J
Chicago, IL 60604-3590

Copy by pouch mail to:

Padmavati Bending, Esquire, Associate Regional Counsel
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M. Lisa Knight
Senior Staff Attorney

Dated: February 13, 2009