



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY BEFORE THE ADMINISTRATOR

REGIONAL HEARING CLERK 2011 JUL 20 A 11: 26 U.S. ENVIRONMENTAL PROTECTION AGENCY-REG-1

In the Matter of:)
Andrew B. Chase, a/k/a Andy Chase,)
Chase Services, Inc., Chase Convenience)
Stores, Inc., and Chase Commercial)
Land Development, Inc.,)
Respondents.)

Docket No. RCRA-02-2011-7503

ORDER GRANTING MOTION TO EXTEND DEADLINES SET FORTH IN PREHEARING ORDER

On July 12, 2011, a Prehearing Order was issued in this matter setting various prehearing deadlines. Complainant submitted a Motion to Extend Deadlines Set Forth in Prehearing Order dated the same day ("Motion"), seeking a one-month extension of the prehearing deadlines. Complainant states that the parties have held preliminary discussions and have agreed to hold a settlement conference on August 11, 2011. Mot. at 2. Complainant further states that its attorney will be out of the country between July 13, 2011 and July 25, 2011, and will thus be unable to comply with the provision in the Prehearing Order directing the parties to hold a settlement conference on or before July 22, 2011. Id.

Section 22.7(b) of the Rules of Practice provides that the Presiding Officer may grant a motion requesting an extension of time for filing any document for good cause shown and after consideration of prejudice to the other parties. 40 C.F.R. § 22.7(b).

The Motion does not indicate whether it contacted Respondents to determine whether they oppose the extension requested. The Prehearing Order provides:

Prior to filing any motion, the moving party is required to contact the non-moving party to determine whether the non-moving party has any objection to the granting of the relief sought in the motion. The motion shall state the position of the non-moving party.

Prehearing Order at 6. Respondents' counsel informed the office of the undersigned on July 15, 2011, that he does not object to the relief requested in the Motion.

Accordingly, for good cause shown in accordance with 40 C.F.R. § 22.7(b), the unopposed Motion is **GRANTED**, and the Prehearing Order is revised to extend all prehearing deadlines. The parties are directed to hold a settlement conference on or before **August 19, 2011**. Complainant is directed to file a status report regarding the status of settlement, without including any detail on any terms of settlement discussed, on or before **August 26, 2011**. If the case settles, the parties are directed to file a fully-executed Consent Agreement and Final Order no later than **September 16, 2011**. If a fully-executed Consent Agreement and Final Order is not filed by this date, the parties must prepare for hearing and shall strictly comply with the following revised prehearing deadlines:

September 16, 2011	Complainant's Initial Prehearing Exchange
October 7, 2011	Respondent's Prehearing Exchange
October 21, 2011	Complainant's Rebuttal Prehearing Exchange

SO ORDERED.



Susan L. Biro
Chief Administrative Law Judge

Dated: July 18, 2011
Washington, D.C.

In the Matter of Andrew B. Chase a/k/a Andy Chase, Chase Services, Inc., Chase Convenience Stores, Inc., and Chase Commercial Land Development
Respondent Docket No. RCRA-02-2011-7503

CERTIFICATE OF SERVICE

I certify that the foregoing **Order Granting Motion to Extend Deadlines Set Forth in Prehearing Order**, dated July 18, 2011 in the following manner to the addressees listed below:

Original by regular mail to:

Karen Maples
Regional Hearing Clerk
U.S. EPA - Region 2
290 Broadway, 17th Floor
New York, NY 10007-1866


Copy by regular mail:

Attorney for Complainant:

Lee Spielman, Esq.
Assistant Regional Counsel
U.S. EPA- Region 2
290 Broadway, 16th Floor
New York, NY 10007

Respondent:

Thomas W. Plimton, Esq.
One Cumberland Ave.
P.O. Box 2974
Plattsburgh, NY 12901


Knolyn R. Jones
Legal Staff Assistant

Dated: July 18, 2011
Washington, D.C.