

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
BEFORE THE ADMINISTRATOR

RECEIVED
MAY 27 2010

In the Matter of:)
)
1810 W. GRACE ST. LLC,)
)
Respondent)
)

REGIONAL HEARING CLERK
U.S. ENVIRONMENTAL
PROTECTION AGENCY
Docket No. RCRA-05-2008-0019

ORDER GRANTING UNOPPOSED JOINT MOTION FOR EXTENSION OF TIME

The parties were directed by a Prehearing Order to file prehearing exchanges on May 27, 2010. On May 25, 2010, Complainant and Respondent filed an Unopposed Joint Motion for Extension of Time to File Prehearing Exchanges, requesting a thirty day extension of time to file their prehearing exchanges. Grounds stated for the Motion are that the parties are actively engaged in settlement discussions and a resolution of this matter is "likely," specifically, EPA is evaluating the Respondent's offer and expects to present a counter-offer very soon, and that time is needed to draft and execute a Consent Agreement and Final Order (CAFO).

The Motion is hereby **GRANTED**, as set forth below:

Section 22.7(b) of the 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.

Good cause exists for 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.

Accordingly, the parties shall file the fully executed Consent Agreement and Consent Order (CAFO), or their Initial Prehearing Exchanges, on or before **June 28, 2010**. If a CAFO has not been filed in this matter beforehand, the parties may file Reply Prehearing Exchanges on or before **July 9, 2010**. **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: May 26, 2010
Washington, D.C.

In the Matter of 1018 W. Grace St., LLC, Respondent
Docket No. RCRA-05-2009-0019

CERTIFICATE OF SERVICE

I certify that the foregoing **Order Granting Unopposed Joint Motion For Extension Of Time**, dated May 26, 2010 was sent this day in the following manner to the addressees listed below.



Maria Whiting-Beale
Staff Assistant

Dated: May 26, 2010

Original and One Copy By Pouch Mail to:

La Dawn Whitehead
Regional Hearing Clerk
U.S. EPA
77 West Jackson Boulevard, E-19J
Chicago, IL 60604-3590

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Copy by Pouch Mail to:

Susan Prout, Esquire
Associate Regional Counsel
U.S. EPA
77 West Jackson Boulevard, C-14J
Chicago, IL 60604-3590

Copy by Regular Mail to:

William J. Anaya, Esquire
Robert A. McKenzie, Esquire
Arnstein & Lehr, LLP
120 South Riverside Plaza, Suite 1200
Chicago, IL 60606-3109