



UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY

BEFORE THE ADMINISTRATOR

In the Matter of:

A Plus Materials Recycling,

Respondent.

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Docket No. CWA-09-2010-0003

FILED
2011 JUL 15 PM 2:44
U.S. ENVIRONMENTAL PROTECTION AGENCY
REGIONAL HEARING CLERK

**ORDER GRANTING MOTION FOR 14-DAY CONTINUANCE
AND AMENDING PREHEARING ORDER**

On June 2, 2011, a Prehearing Order was issued in this matter directing Complainant to file either a Consent Agreement and Final Order or Initial Prehearing Exchange by July 15, 2011. Complainant now requests a fourteen-day continuance of all prehearing deadlines. Complainant represents that on July 7, 2011, it verified that Respondent's ability to pay a penalty is limited. The parties then reached a settlement and, on July 11, 2011, Complainant provided Respondent with a Consent Agreement for signature. However, Complainant has not been able to reach Respondent's counsel to ascertain when Respondent will return the signed agreement, which then must be approved and signed by Region 9's Director of the Water Division. Thus, Complainant moves for a continuance to allow the parties to "promptly conclude settlement without the risk of waiving any claims or defenses."

For good cause in accordance with 40 C.F.R. § 22.7(b), Complainant's Motion is **GRANTED**, and the Prehearing Order is revised to extend all prehearing deadlines by fourteen days. Complainant shall file a Consent Agreement and Final Order by **July 29, 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:

July 29, 2011	Complainant's Initial Prehearing Exchange
August 19, 2011	Respondent's Prehearing Exchange
September 2, 2011	Complainant's Rebuttal Prehearing Exchange

SO ORDERED.

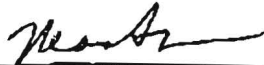
Susan L. Biro
Chief Administrative Law Judge

Dated: July 14, 2011
Washington, D.C.

**In the Matter of *A Plus Materials Recycling*, Respondent.
Docket No. CWA-09-2010-0003**

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing **Order Granting Motion for 14-Day Continuance and Amending Prehearing Order**, dated July 15, 2011, issued by Susan Biro, Chief Administrative Law Judge, was sent on this 15th day July 2011, in the following manner to the addressees listed below.



Mary Angeles
Legal Staff Assistant

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Dated: July 15, 2011
Washington, DC