

UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY

BEFORE THE ADMINISTRATOR

IN THE MATTER OF: )  
)  
AUDUBON COMMUNITIES )  
MANAGEMENT, LLC, )  
)  
Respondent. )

Docket No. TSCA-02-2007-9168

U.S. ENVIRONMENTAL  
PROTECTION AGENCY-REG.11  
2008 AUG 12 PM 2:20  
REGIONAL HEARING  
CLERK

**ORDER GRANTING JOINT MOTION FOR EXTENSION OF TIME  
TO FILE PREHEARING EXCHANGES**

A Prehearing Order was issued in this matter directing the parties to file Prehearing Exchanges. The parties requested an extension of time by joint motion dated June 17, 2008, and the due dates for Complainant's and Respondent's Prehearing Exchanges were extended to August 15 and September 5, respectively. On August 8, 2008, the parties submitted a Joint Status Report and Motion for Extension of Time to File Prehearing Exchanges ("Motion"), requesting that the due dates for Complainant's Prehearing Exchange or a Consent Agreement and Final Order (CAFO) and for Respondent's Prehearing Exchange be extended to September 5 and September 19, 2008, respectively.

The Motion states that the parties have a settlement framework in place, are in constant communication, have a proposed abatement Supplemental Environmental Project that requires detailed information, and are resolving language changes in a CAFO. In addition, EPA's counsel was on annual leave and travel commitments of Respondent's principals has hindered discussions.

The Motion is hereby **GRANTED**. 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. Accordingly, Complainant shall file the fully executed Consent Agreement and Consent Order (CAFO) or its Initial Prehearing Exchange, on or before **September 5, 2008**. If the CAFO is not yet filed beforehand, the Respondent shall file its Prehearing Exchange on or before **September 19, 2008**, and Complainant shall file its Rebuttal Prehearing Exchange by October 3, 2008.



Susan L. Biro  
Chief Administrative Law Judge

Date: August 8, 2008  
Washington, D.C.

In the Matter of Audubon Communities Management, LLC,  
**Docket No. TSCA-02-2007-9168**

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the **Order Granting Joint Motion for Extension of Time to File Prehearing Exchanges**, dated August 8, 2008 was sent this day in the following manner to the addressees listed below:

Original and One Copy by Pouch Mail to:

Karen Maples  
Regional Hearing Clerk  
U.S. EPA - Region 2  
290 Broadway, 16<sup>th</sup> Floor  
New York, NY 10007-1866

Copy by pouch mail to:

Melva J. Hayden, Esquire  
Assistant Regional Counsel,  
U.S. EPA Region 2  
290 Broadway, 16<sup>th</sup> Floor  
New York, NY 10007-1866

Copy by regular mail to:

Derek Reed, Esquire  
Levy, Ehrlich & Petriello, P.C.  
60 Park Place, Suite 1016  
Newark, NJ 07102



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M. Lisa Knight  
Senior Staff Attorney

Dated: August 8, 2008