

**UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY**

BEFORE THE ADMINISTRATOR

In the Matter of)	
)	
Lilly del Caribe, Inc.,)	Docket No. EPCRA-02-99-4001
)	
Respondent)	

ORDER TERMINATING PROCEEDINGS
BEFORE THE CHIEF ADMINISTRATIVE LAW JUDGE

This matter was set for hearing on February 15, 2000. By Joint Status Report dated February 2, 2000, the parties reported that they had reached a settlement in principle of this matter, and requested until March 3, 2000 to file a fully executed Consent Agreement and Consent Order (CACO). By Order Granting Extension of Time, issued February 3, 2000, the parties' Joint Status Report was deemed a waiver by the parties of their right to a hearing, the hearing was canceled, and the parties were granted until March 3, 2000 to file the fully executed CACO.

The parties submitted a Status Report, dated March 1, 2000, jointly requesting an additional thirty days to file the CACO. No grounds were stated for the request, except a statement that the CACO requires the signature of Respondent, the review and concurrence of several EPA officers, and the signature of the Regional Administrator.

The Rules of Practice, 40 C.F.R. Part 22, as amended, 64 Fed. Reg. 40176 (July 23, 1999), provide that the presiding judge "may grant an extension of time for filing any document: upon timely *motion* of a party to the proceeding, *for good cause shown . . .*" and that motions shall "[s]tate the grounds therefor, with particularity." 40 C.F.R. §§ 22.7(b), 22.16(a)(2). The Status Report does not constitute a motion, as it neither is titled as such nor meets the substantive requirement of stating the grounds with particularity. Even if the Status Report is taken as a motion for extension of time, there is no basis for finding good cause to grant the extension, as the parties merely indicate that they failed to obtain the required signatures by the date set in their previous request for extension. There is no basis under the Rules of Practice upon which to grant a further extension.

Furthermore, there is no further need for the undersigned to preside in this matter. Cases are referred to the Office of Administrative Law Judges solely for the purpose of providing the respondent with the right to a hearing before an Administrative Law Judge, consistent with the

applicable statutes (in this case, CERCLA Section 109 and EPCRA Section 325), and the Administrative Procedure Act. The hearing was canceled, the parties are deemed to have waived the right to hearing, and the parties have settled this case.

Accordingly, this proceeding before the undersigned is hereby deemed **CLOSED** as of this date.

Susan L. Biro
Chief Administrative Law Judge

Dated: March 3, 2000
Washington, D.C.