

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
BEFORE THE ADMINISTRATOR

**IN THE MATTER OF**

**PAUL DURHAM, d/b/a WINDMILL HILL      DKT. No.[SDWA]-C930036**  
**ESTATES WATER SYSTEM**

**Respondent**

**ORDER DENYING MOTION FOR EXTENSION OF TIME**

By Petition, dated December 31, 1996, the Respondent has requested a change of hearing date until "sometime after February 17, 1997." The Complainant has not responded to the Petition to Request a Change in the Hearing Date.

The Petition is **DENIED**, for the reasons set forth below:

By Order dated December 12, 1996, the parties were notified that a hearing would be held in this matter beginning on January 14, 1997 in Dallas, Texas. The Respondent's stated rationale for requesting a continuance at this time is that: (a) he has been unable to reach the Complainant's counsel to discuss "settlement options;" and (b) he has "scheduled various business meetings . . . in South Carolina from January 13, 1997 through February 14, 1997."

As to Respondent's first basis for a continuance, it is noted that this action was instituted over three (3) years ago, in August 1993. Thus, the parties have had more than a reasonable amount of time to discuss "settlement options" prior to attending a hearing.

As to Respondent's second basis for a continuance, the certified mail return receipt indicates that the Respondent received the Notice of Hearing on December 16, 1996. This gave Respondent sufficient time to postpone and/or reschedule whatever "business meetings" he had previously scheduled, if any, which were in direct conflict with the hearing date.

Finally, it is noted that the Respondent's request for the postponement was not filed in a timely manner. The Respondent delayed filing for a continuance until more than two weeks after he received the hearing notice, which was just two weeks before the hearing was scheduled to begin. Due to the fact that the undersigned's hearing docket has already been established through June 1997, any postponement granted at this late date would result in a hearing not being held for at least six months, an unacceptably long period of delay in a case which is already the oldest on the undersigned's docket.

Therefore, the request for change of hearing date is denied.

**THE PARTIES ARE HEREBY NOTIFIED THAT UNLESS THIS CASE IS SETTLED OR GOOD CAUSE OTHERWISE SHOWN, THE HEARING WILL BE HELD BEGINNING ON TUESDAY, JANUARY 14, 1997, AT 9:30 A.M. AT 1445 ROSS AVENUE, 13TH FLOOR, JUDICIAL HEARING ROOM, DALLAS, TEXAS 75202.** If a settlement is reached, the parties must notify the undersigned on or before 12:00 noon, Eastern Daylight Time, on Friday, January 10, 1997.

Susan L. Biro  
Administrative Law Judge

Dated: 1/7/97  
Washington, D. C.

**IN THE MATTER OF PAUL DURHAM, d/b/a Windmill Hill**

**Respondent**

**SDWA C930036**

**CERTIFICATE OF SERVICE**

I certify that the foregoing Order Denying Motion for Extension of Time, dated January 7, 1997, was sent in the following manner to the addressees listed below:

Original by Pouch Mail to:

Lorena Vaughn  
Regional Hearing Clerk  
U.S. Environmental Protection

Agency, Region 6  
1446 Ross Ave.  
Dallas, TX 75202

Copy by Facsimile and Regular Mail to:

Counsel for Complainant:

Carlos A. Zequeira, Esquire  
Assistant Regional Counsel  
EPA, Region 6  
1446 Ross Ave.  
Dallas, TX 75202-2733

Representative for Respondent:

Mr. Paul H. Durham, Esquire  
401 S. Dewey  
Suite 208 Reda Bldg.  
Bartlesville, Oklahoma 74003

Aurora M. Jennings  
Legal Assistant  
Office of Administrative  
Law Judges  
U.S. EPA  
Wash. DC 20460

Dated: January 7, 1997  
Washington, D.C.