



**UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
BEFORE THE ADMINISTRATOR**

In the Matter of:)
)
Homeca Recycling Center Co., Inc.,) **Docket No. CAA-02-2024-1201**
)
Respondent.)

**ORDER GRANTING JOINT MOTION FOR APPOINTMENT OF A NEUTRAL
AND TOLLING OF TIME**

This proceeding was initiated on October 20, 2023, when Complainant, the Director of the Caribbean Environmental Protection Division of Region 2 of the United States Environmental Protection Agency, filed a Complaint and Notice of Opportunity to Request a Hearing against Respondent Homeca Recycling Center Co., Inc., for alleged violations of Sections 112 and 113 of the Clean Air Act, 42 U.S.C. §§ 7412 and 7413, and the National Emission Standard for Asbestos, 40 C.F.R. Part 61, Subpart M. After Respondent filed an Answer to Complaint and Request for Hearing on December 5, 2023, the matter was forwarded to this Tribunal for adjudication, and I was designated to preside.

By Prehearing Order dated January 19, 2024, I set deadlines for certain prehearing procedures, including a prehearing exchange of information by the parties and the filing of certain prehearing motions. Pursuant to the Prehearing Order and subsequent Orders extending those deadlines, the parties filed their prehearing exchanges. Additionally, with leave of this Tribunal, Complainant filed an Amended Complaint and Notice of Opportunity to Request a Hearing, to which Respondent filed an Answer to Amended Complaint and Request for Hearing.

Now before me is the parties' Joint Motion for Appointment of a Neutral and Tolling of Time to File Dispositive Motions ("Joint Motion"), which was timely filed on August 23, 2024. Therein, the parties recount that Respondent has claimed an inability to pay the penalty proposed in this matter and that Complainant sought the assistance of a financial expert in evaluating that claim. The parties relate that Complainant received a final report from the financial expert on August 6, 2024, and that given the conclusion reached in the report, the parties wish to engage in settlement negotiations with the goal of reaching an agreement dispositive of all matters, including penalty. The parties then move for the appointment of a neutral to facilitate their negotiations pursuant to 40 C.F.R. § 22.18(d)(3) and a stay of the deadline to file dispositive motions, currently set for October 22, 2024, in order to conserve their time and resources and focus on their pursuit of settlement. The parties maintain that their request supports the fair and orderly progression of this matter, without undue

interference or disruption, as the matter is in a relatively early stage and has not yet been scheduled for hearing.

This proceeding is governed by the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits (“Rules of Practice” or “Rules”), set forth at 40 C.F.R. Part 22. The Rules of Practice provide the parties may move for the appointment of a neutral as part of an alternative means of dispute resolution and that if such motion is granted, “the Presiding Officer shall forward the motion to the Chief Administrative Law Judge,” who will then “designate a qualified neutral.” 40 C.F.R. § 22.18(d)(3).

Upon consideration, I find that the parties’ request for the appointment of a neutral and for the tolling of the filing deadline for dispositive motions is reasonable. Accordingly, their Joint Motion is **GRANTED**. The deadline for the filing of dispositive motions is hereby stayed, and I will transfer this case to Chief Administrative Law Judge Susan L. Biro for assignment of a neutral to preside over the alternative dispute resolution process.

SO ORDERED.



Michael B. Wright
Administrative Law Judge

Dated: August 26, 2024
Washington, D.C.

In the Matter of *Homeca Recycling Center Co., Inc.*, Respondent.
Docket No. CAA-02-2024-1201

CERTIFICATE OF SERVICE

I hereby certify that the foregoing **Order Granting Joint Motion for Appointment of a Neutral and Tolling of Time**, dated August 26, 2024, and issued by Administrative Law Judge Michael B. Wright, was sent this day to the following parties in the manner indicated below.



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Paralegal Specialist

Original by OALJ E-Filing System to:
Office of Administrative Law Judges
U.S. Environmental Protection Agency
https://yosemite.epa.gov/OA/EAB/EAB-ALJ_Upload.nsf

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Dated: August 26, 2024
Washington, D.C.