



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

In the Matter of:)
)
BASF Corporation,) **Docket No. CWA-05-2018-0008**
)
Respondent.)

**ORDER GRANTING COMPLAINANT’S MOTION
TO POSTPONE THE OCTOBER 22-25, 2019 HEARING**

On May 9, 2019, I issued a Notice of Hearing Order scheduling the hearing in this matter to be held from October 22 through October 25, 2019. The record reflects that the parties proceeded to engage in settlement discussions, and on October 16, 2019, Complainant filed a Motion to Postpone the October 22-25, 2019 Hearing (“Motion”) on the grounds that the parties have reached an agreement resolving this matter. Complainant attached to the Motion a copy of the signature page of the parties’ consent agreement and final order (“CAFO”) bearing the signature of Respondent’s Vice President and Deputy General Counsel of Regulatory and Government Affairs. Complainant represents in the Motion that it will sign the CAFO shortly and then provide public notice of, and reasonable opportunity to comment on, the proposed issuance of the CAFO pursuant to 33 U.S.C. § 1319(g)(4)(A), with the expectation that it will file the fully-executed CAFO with the Regional Hearing Clerk on or about December 2, 2019. Complainant further represents that Respondent does not object to the Motion.

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”) set forth at 40 C.F.R. Part 22. The Rules of Practice provide that “[n]o request for postponement of a hearing shall be granted except upon motion and for good cause shown.” 40 C.F.R. § 22.21(c).

Upon consideration, I find that Complainant has shown good cause for its request to postpone the hearing. As previously noted in this proceeding, U.S. Environmental Protection Agency policy supports settlement of a proceeding without the necessity of a formal hearing. See 40 C.F.R. § 22.18(b)(1). Undoubtedly, the interests of the parties and judicial economy are best served by the parties resolving this matter informally and expeditiously. Accordingly, the Motion is hereby **GRANTED**, and the hearing scheduled to commence on October 22, 2019, is postponed. The parties shall file the fully-executed CAFO with the Regional Hearing Clerk on or before **December 2, 2019**, and a courtesy copy shall be filed with the Headquarters Hearing Clerk. If that deadline is not met, the hearing in this matter will promptly be rescheduled.

SO ORDERED.


Christine Donelian Coughlin
Administrative Law Judge

Dated: October 16, 2019
Washington, D.C.

In the Matter of *BASF Corporation*, Respondent.
Docket No. CWA-05-2018-0008

CERTIFICATE OF SERVICE

I hereby certify that the foregoing **Order Granting Complainant's Motion to Postpone the October 22-25, 2019 Hearing**, dated October 16, 2019, and issued by Administrative Law Judge Christine Donelian Coughlin, was sent this day to the following parties in the manner indicated below.

Jennifer Almase
Attorney-Advisor

Original and One Copy by Personal Delivery to:

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Dated: October 16, 2019
Washington, D.C.