



UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
BEFORE THE ADMINISTRATOR

In the Matter of:)
)
Thomas Petroleum, LLC, and)
Pilot Thomas Logistics, LLC) Docket No. EPCRA-06-2019-0501
)
Respondents.)

**ORDER ON JOINT MOTION FOR EXTENSION OF TIME FOR
FILING OF PREHEARING EXCHANGE**

On November 8, 2019, I issued a Prehearing Order in this matter setting forth certain prehearing filing deadlines, including filing deadlines for each party to file a prehearing exchange. The Prehearing Order set December 20, 2019 as the filing deadline for Complainant’s Initial Prehearing Exchange; January 10, 2020 as the filing deadline for Respondents’ Prehearing Exchange(s); and January 24, 2020 as the filing deadline for Complainant’s Rebuttal Prehearing Exchange. On December 6, 2019, the parties filed a Joint Motion for Extension of Time for Filing of Prehearing Exchange (“Joint Motion”) requesting that the filing deadlines for the prehearing exchange submissions be extended by 60 days.¹ In the Joint Motion, the parties represent that they are concerned that their stakeholders and employees will not be available for purposes of completing and evaluating the prehearing exchange submissions as scheduled due to the proximity of the prehearing exchange filing deadlines to holidays and scheduled vacations. The parties further represent their concern that “the current schedule will cause substantial inconvenience and hardship for counsel as well as [the parties’] stakeholders and employees.” Additionally, the parties report that their settlement negotiations have slowed due to the unavailability of their stakeholders and employees, and indicate that the requested extension of the filing deadlines would allow for them to “continue to conduct meaningful settlement negotiations with all necessary stakeholders available.”

The rules that govern this proceeding, set forth at 40 C.F.R. Part 22, authorize the Presiding Officer to grant an extension of time for filing of any document for good cause shown upon motion, after consideration of prejudice to the other parties. 40 C.F.R. § 22.7(b). As the request of the parties to extend the filing deadlines for the prehearing exchange submissions shows good cause and is agreed upon, granting it is appropriate. Accordingly, the Joint Motion is **GRANTED**, as provided for below. However, in consideration of the significant extension of time granted by this order, the parties are advised that subsequent requests for extensions of

¹ Notably, in the Joint Motion, the parties request a 60-day extension to the filing deadlines for prehearing exchange submissions, but otherwise propose a schedule for the extended filing deadlines that does not comport with the requested 60-day extension.

filing deadlines may not be granted absent compelling circumstances. Further, the parties are reminded that the status of settlement negotiations does not provide a basis for failing to strictly comply with the established prehearing requirements and filing deadlines in this matter.

The extended filing deadlines are as follows. If the case is settled, a fully-executed Consent Agreement and Final Order shall be filed with the Regional Hearing Clerk no later than **February 18, 2020**, and a courtesy copy shall be filed with the Headquarters Hearing Clerk. In the absence of a settlement, the prehearing exchanges shall be filed pursuant to the following schedule:

February 18, 2020	Complainant's Initial Prehearing Exchange
March 10, 2020	Respondents' Prehearing Exchange(s)
March 24, 2020	Complainant's Rebuttal Prehearing Exchange

SO ORDERED.


Christine Donelian Coughlin
Administrative Law Judge

Dated: December 13, 2019
Washington, D.C.

In the Matter of *Thomas Petroleum, LLC and Pilot Thomas Logistics, LLC*, Respondents.
Docket No. EPCRA-06-2019-0501

CERTIFICATE OF SERVICE

I hereby certify that the foregoing **Order on Joint Motion for Extension of Time for Filing of Prehearing Exchange**, dated December 13, 2019, and issued by Administrative Law Judge Christine Donelian Coughlin, was sent this day to the following parties in the manner indicated below.



Andrea Priest
Attorney-Advisor

Original and One Copy by Personal Delivery to:

Mary Angeles, Headquarters Hearing Clerk
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For Respondents

Dated: December 13, 2019
Washington, D.C.