



UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
BEFORE THE ADMINISTRATOR

In the Matter of:)
)
Rowell Chemical Corporation,) Docket No. TSCA-05-2011-0011
Hinsdale, Illinois,)
)
Respondent.)

**ORDER ON MOTION FOR ABEYANCE OF CASE SCHEDULE
AND REVISING PREHEARING EXCHANGE SCHEDULE**

On September 30, 2011, a Prehearing Order was issued in this matter, setting various prehearing deadlines. Among those deadlines, Complainant was required to file its prehearing exchange materials by November 11, 2011.

On October 28, 2011 Complainant submitted a Settlement Status Report And Motion for Abeyance of Case Schedule ("Motion"), seeking a sixty-day abeyance of the schedule set forth in the Prehearing Order. Complainant states that the parties have reached agreement on the significant terms of a Consent Agreement and Final Order (CAFO) but the parties are still discussing "non-standard position statement language" proposed by Respondent. In the Motion, Complainant proposes to provide a status report in sixty days, if the CAFO is not filed by then.

The Motion does not indicate whether Complainant contacted Respondent to determine whether Complainant opposes the requested extension. The Prehearing Order provides:

Prior to filing any motion, the moving party is required to contact the non-moving party to determine whether the non-moving party has any objection to the granting of the relief sought in the motion. The motion shall state the position of the non-moving party.

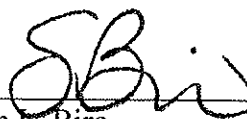
Prehearing Order at 5. However, on November 10, 2011, Complainant submitted a Supplement to Motion for Abeyance of Case Schedule ("Supplement"), which states that the Respondent fully concurs in the Motion.

Accordingly, for good cause shown in accordance with 40 C.F.R. § 22.7(b), the Motion is **GRANTED** in part. This matter will be held in abeyance for approximately sixty days from the date of this order, according to the revised deadlines specified below. However, a sixty day delay without a settlement status report is too long. It is incumbent upon the undersigned to see that this matter is resolved expeditiously. 40 C.F.R. § 22.4(c). Therefore, on or before **December 9,**

2011, Complainant shall file a settlement status report, without disclosing any settlement terms. If the case settles, the parties shall file a fully-executed Consent Agreement and Final Order no later than **January 13, 2012**, with a copy sent to the undersigned. If a fully-executed Consent Agreement and Final Order is not filed by this date, the parties must prepare for hearing and shall strictly comply with the following revised prehearing deadlines:

January 13, 2012	Complainant's Initial Prehearing Exchange
February 10, 2012	Respondent's Prehearing Exchange
February 24, 2012	Complainant's Rebuttal Prehearing Exchange

SO ORDERED.




Susan L. Biro
Chief Administrative Law Judge

Dated: November 10, 2011
Washington, D.C.

In the Matter of Rowell Chemical Corporation, Respondent
Docket No. TSCA-05-2011-0011

CERTIFICATE OF SERVICE

I certify that the foregoing **Order On Motion For Abeyance Of Case Schedule And Revising Prehearing Exchange Schedule**, dated November 10, 2011, was sent this day in the following manner to the addressees listed below.



Maria Whiting-Beale
Staff Assistant

Dated: November 10, 2011

Original And One Copy By Pouch Mail To:

La Dawn Whitehead
Regional Hearing Clerk
U.S. EPA
77 West Jackson Boulevard, E-19J
Chicago, IL 60604-3590

Copy By Pouch Mail And Facsimile To:

Andre Daugavietis, Esquire
Associate Regional Counsel
U.S. EPA
77 West Jackson Boulevard, C-14J
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