



**UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY**

BEFORE THE ADMINISTRATOR

IN THE MATTER OF:)
)
U.S. Bureau of Reclamation,) **Docket No. RCRA-08-2015-0002**
National Electric Coil,)
Environmental Contractors, LLC, and)
CTA Construction and)
Environmental, LLC,)
)
Yellowtail Dam Facility)
EPA ID No. MT0142390046) **Date: March 25, 2016**
)
Respondents.)

**ORDER ON UNOPPOSED MOTION FOR EXTENSION OF TIME TO FILE
COMPLAINANT’S REBUTTAL PREHEARING EXCHANGE**

The Prehearing Order issued in this proceeding set due dates for the parties to file their prehearing exchanges.¹ On February 19, 2016 the Complainant filed its Initial Prehearing Exchange, and on March 10, 2016, Respondents filed their Prehearing Exchange. Complainant’s rebuttal prehearing exchange is due no later than March 25, 2016.

On March 24, 2016, Complainant filed an Unopposed Motion for Extension of Time to File Complainant’s Rebuttal Prehearing Exchange (“Motion”), seeking a two-week extension of time to file its rebuttal prehearing exchange. Grounds stated in the Motion are that Complainant received a “disk” containing Respondents’ exhibits on March 17, 2016, but encountered difficulties in reading the disk. Consequently, Complainant requires additional time to fully review Respondents’ exhibits before it determines whether to respond. In its Motion, Complainant represents that counsel for Respondents do not oppose this request.

The Rules of Practice that govern this proceeding, 40 C.F.R. Part 22, provide that the presiding officer may grant an extension of time for filing any document “upon timely motion .

¹ An Erratum was issued on December 30, 2015 to correct for typographical errors in the December 29, 2015 Prehearing Order.

. . . , for good cause shown, and after consideration of prejudice to other parties.” The Rules provide that a motion for extension “shall be filed sufficiently in advance of the due date” to provide reasonable opportunity for a response and ruling on the motion. 40 C.F.R. § 22.7(b).

Although the Motion was not filed sufficiently in advance of the due date, the two-week extension requested is unopposed and will not prejudice Respondent particularly where the hearing has not been scheduled in this matter. For good cause shown, Complainant’s Unopposed Motion for Extension of Time to File Complainant’s Rebuttal Prehearing Exchange is **GRANTED**. Accordingly, the deadline for Complainant to file its rebuttal prehearing exchange is now April 8, 2016.

SO ORDERED.



M. Lisa Buschmann
Administrative Law Judge

In the Matter of U.S. Bureau of Reclamation, National Electric Coil, Environmental Contractors, LLC, and CTA Construction and Environmental, LLC, Yellowtail Dam Facility EPA ID No. MT0142390046 Respondents.
Docket No. RCRA-08-2015-0002

CERTIFICATE OF SERVICE

I hereby certify that the foregoing **Order on Unopposed Motion for Extension of Time to File Complainant's Rebuttal Prehearing Exchange dated March 25, 2016** issued by Administrative Law Judge M. Lisa Buschmann, was sent this day in the following manner to the addressees listed below.



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Dated: March 25, 2016

Washington, D.C.