



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY BEFORE THE ADMINISTRATOR

In the Matter of Johnson Matthey Respondent))) Docket No. CAA-02-2012-1222)) Dated: December 17, 2012

Order on Motion for Extension of Time to File Prehearing Exchange

The Prehearing Order issued in this proceeding directed Complainant and Respondent to submit prehearing exchanges on January 11, 2013 and February 8, 2013, respectively. On December 13, 2012, Complainant submitted a Motion for an Extension of Time to File Prehearing Exchange, seeking a 60-day extension of the due dates for the prehearing exchange. Grounds stated in the Motion are the parties need additional time to submit and review information including technical information as to equipment at Respondent's facility, and that the parties prefer to resolve this matter through settlement. The Motion states that Respondent concurs in the 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 . . ., for good cause shown, and after consideration of prejudice to other parties." 40 C.F.R. § 22.7(b). A 60 day extension of time is rather lengthy and the parties have not described any unusual circumstances necessitating such an extended period of time to complete the settlement. In the circumstances of this case, a four-week extension of time is deemed sufficient.

For good cause shown, an extension of time is granted. In the event the parties have not filed a fully executed Consent Agreement and Final Order settling this matter beforehand, Complainant shall file its Prehearing Exchange on or before February 8, 2013, Respondent shall file its Prehearing Exchange on or before March 8, 2013, and Complainant shall file its Rebuttal Prehearing Exchange on or before March 22, 2013.

SO ORDERED.

[Handwritten signature of M. Lisa Buschmann]

M. Lisa Buschmann Administrative Law Judge

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CERTIFICATE OF SERVICE

I certify that the foregoing Order on Motion for Extension of Time, dated December 17, 2012, was sent in the following manner to the addressees listed below.



Knolyn R. Jones
Legal Staff Assistant

Dated: December 17, 2012

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