

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

In the Matter of:)	DOCKET NO: RCRA-03-2018-0131
)	
Silky Associates, LLC,)	
)	
Respondent.)	


MOTION

Pursuant to Sections 22.16 of the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties, Issuance of Compliance or Corrective Action Orders, and the Revocation/Termination or Suspension of Permits (“Consolidated Rules of Practice”) and Chief Administrative Law Judge Susan L. Biro’s August 31, 2018 Prehearing Order (“Prehearing Order”), Complainant, the Director of the Land and Chemicals Division, United States Environmental Protection Agency, Region III, by and through undersigned counsel, respectfully requests leave to file the parties’ Joint Motion for the Appointment of a Neutral seven (7) days beyond the deadline set in the Prehearing Order. As grounds therefore, Complainant states as follows:

1. Section 22.18(d)(3) of the Consolidated Rules of Practice permits parties to move for the appointment of a neutral without restriction.
2. The Prehearing Order specifies that joint motions filed pursuant to Section 22.18(d)(3) will not be entertained prior to and shall be filed no later than seven days after the November 23, 2018 deadline for Complainant’s Rebuttal Prehearing Exchange (i.e., November 30, 2018).
3. On November 26, 2018, the parties discussed the option of requesting a neutral on the telephone. On that same day, Complainant’s counsel sent Respondent via overnight mail a proposed Joint Motion and requested that it be signed, dated and returned by no later than November 29, 2018.
4. Respondent is *pro se* and according to representations in letters dated October 16, 2018 and November 14, 2018 its principle is experiencing health problems impacting Respondent’s ability to meet deadlines associated with this matter.
5. Complainant’s counsel received the signed and dated Joint Motion on December 7, 2018.
6. This motion is filed, not for delay, but in the interests of justice to provide the parties the opportunity to reach an amicable resolution in this matter with the assistance of a neutral to mediate settlement discussions.

7. No prejudice to either party will occur from allowing the filing of the Joint Motion seven (7) days beyond the deadline set in the Prehearing Order.
8. Pursuant to the Prehearing Order, counsel for Complainant attempted but could not reach Respondent today via telephone to determine whether it objects to the relief sought in this motion. Given that Respondent recently signed the Joint Motion, however, it can be inferred that Respondent desires for it to be filed notwithstanding the fact it is (7) days beyond the deadline set in the Prehearing Order.

12/7/18
Date



Jennifer M. Abramson
Senior Assistant Regional Counsel
U.S. EPA, Region III

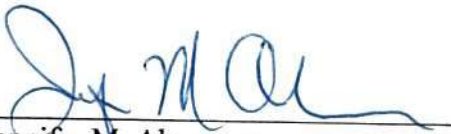
**UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
BEFORE THE ADMINISTRATOR**

In the Matter of:)	DOCKET NO: RCRA-03-2018-0131
)	
Silky Associates, LLC,)	JOINT MOTION FOR THE
)	APPOINTMENT OF A NEUTRAL
Respondent.)	

JOINT MOTION


Pursuant to Sections 22.16 and 22.18(d)(3) of the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties, Issuance of Compliance or Corrective Action Orders, and the Revocation/Termination or Suspension of Permits ("Consolidated Rules of Practice") and Chief Administrative Law Judge Susan L. Biro's August 31, 2018 Prehearing Order ("Prehearing Order"), the parties herein move for the appointment of a neutral to mediate a thirty (30) day period for settlement discussions in the hopes of reaching an amicable resolution of this matter.

12/7/18
Date



Jennifer M. Abramson
Senior Assistant Regional Counsel
U.S. EPA, Region III

11-28-18
Date



Lakhmir Bagga, Owner
Silky Associates, LLC

**UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
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)	
Silky Associates, LLC,)	
)	
Respondent.)	

CERTIFICATE OF SERVICE

I hereby certify that, on the date below, copies of Complainant's MOTION and the parties' JOINT MOTION FOR THE APPOINTMENT OF A NUETRAL were served upon the persons listed in the manner indicated.

Original and one copy via THE OALJ E-Filing System

Mary Angeles, Headquarters Hearing Clerk

One copy via THE OALJ E-Filing System


Susan L. Biro, Chief Administrative Law Judge

Copy by UPS Next Day Air:

Lakhmir Bagga
Silky Associates, LLC
200 E. Williamsburg Road
Sandston, VA 23150

12/7/18

Date



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