



UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY

BEFORE THE ADMINISTRATOR

U.S. ENVIRONMENTAL  
PROTECTION AGENCY-REG. J.  
2010 AUG 13 PM 3:50  
REGIONAL HEARING  
MERR

IN THE MATTER OF )  
 )  
OAKITE PRODUCTS, INC., d/b/a ) DOCKET NO. TSCA-02-2009-9148  
CHEMETALL OAKITE, )  
AND CHEMETALL US, INC., )  
 )  
RESPONDENTS )

**ORDER ON RESPONDENTS' MOTION FOR ORDER SETTING SPECIFIC  
DEADLINES, SETTLEMENT COMPLETION, AND ADDITIONAL TIME  
FOR FILING PREHEARING EXCHANGE**

The Complaint in this matter was filed on September 28, 2009. In the Prehearing Order, dated November 23, 2009, the parties were directed to submit their prehearing exchanges in accordance with the schedule set forth therein. Complainant has already submitted its prehearing exchange information. Respondents seek relief from their prehearing exchange deadline in light of the fact that the parties have reached an agreement in principle.

On August 4, 2010, Respondents filed a Motion seeking certain deadlines for Complainant to provide a draft Consent Agreement and Final Order ("CAFO"), completing settlement, and extending the prehearing exchange schedule ("Motion"). Complainant filed a Response to Respondents' August 4, 2010 Motion ("Response"), stating that it does not object to extending the prehearing exchange schedule but does not favor a deadline for submitting a draft CAFO.

On December 11, 2009 Respondents filed the first Motion to Extend Time For Filing the prehearing exchange, citing the need for an additional 60 days to pursue settlement negotiations, including consideration of a Supplemental Environmental Project ("SEP"). An extension was granted on December 16, 2009. On March 18, 2010, Complainant filed a motion seeking an additional extension, citing the same reasons. This second motion was also

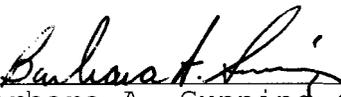
granted. On June 4, 2010, the parties requested and were given a third extension to finalize a CAFO. As with the first three motions for extension, the non-moving party concurs in the instant Motion. In support of this fourth and current Motion, Respondents state that the parties finalized the terms of the CAFO on June 2, 2010, but assert Complainant has not yet released a final draft. As a result, Respondents seek an extension and ask that Complainant be compelled to produce the draft CAFO.

Complainant agrees that fairness requires that Respondents be granted a reprieve from the prehearing exchange deadline. In fact, Complainant requests more time than Respondents requested, noting the difficulty in securing the requisite agency reviews during a period of summer vacations and holidays.

Based on the parties' representations, the Motion is **GRANTED** as follows:

- Complainant is instructed to submit a draft CAFO to the Respondents on or before **September 9, 2010**.
- The parties are given until **October 4, 2010**, to produce a fully executed CAFO.
- If no CAFO has been submitted by that date, Respondents' prehearing exchange will be due **October 12, 2010**.
- Complainant's rebuttal prehearing exchange will be due **October 26, 2010**.

This new timeline will bring this matter beyond the one year mark. Future requests for extensions will be not be viewed favorably.

  
\_\_\_\_\_  
Barbara A. Gunning  
Administrative Law Judge

Dated: August 12, 2010  
Washington, DC

**In the Matter of Oakite Products, Inc., d/b/a Chemetall Oakite, and  
Chemetall US, Inc., Respondents.  
Docket No. TSCA-02-2009-9148**

CERTIFICATE OF SERVICE

I hereby certify that the foregoing **Order on Respondents' Motion for Order Setting Specific Deadlines, Settlement Completion, and Additional Time for Filing Prehearing Exchange**, dated August 12, 2010, was sent this day in the following manner to the addressees listed below.

  
\_\_\_\_\_  
Knolyn R. Jones  
Legal Staff Assistant

Original and One Copy by Facsimile and Pouch Mail to:

Karen Maples  
Regional Hearing Clerk  
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290 Broadway, 16<sup>th</sup> Floor  
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Fx: 212.637.3199 or 3115

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Dated: August 12, 2010  
Washington, D.C.