

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
BEFORE THE ADMINISTRATOR

IN THE MATTER OF)

Niagara Ceramics Corporation)

Respondent)

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Docket No. RCRA-02-2007-7114

REGIONAL HEARING
CLERK

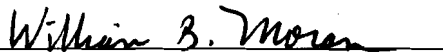
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U.S. ENVIRONMENTAL
PROTECTION AGENCY-REG. II

ORDER GRANTING, IN PART, MOTION FOR EXTENSION

In this administrative proceeding pursuant to Section 3008 of the Resource Conservation and Recover Act, 42 U.S.C. § 6928, Complainant, EPA, has filed a Motion seeking a three-month extension in the due date for filing the prehearing exchanges, from the presently required due date of January 15, 2008 to April 15, 2008. In its motion, filed on December 20, 2007, EPA asserts that it needs the requested extension in order to explore the validity of Respondent's claim of financial hardship. EPA relates that the Respondent concurs with the request.

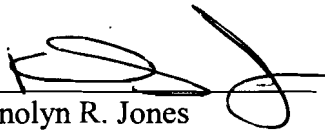
Upon consideration, the Court will extend the due date for the prehearing exchanges, but the requested three-month extension is excessive. By EPA's own recounting, it should *presently* have the promised information from the Respondent. It is not necessary for a quarter of a year to elapse, after January 15th, in order for EPA to evaluate whether there is a "*bona fide* basis for reaching a settlement." Motion at 3. Accordingly, the requested extension is granted but only until **February 15, 2008**. Further requests for extensions will be disfavored.


William B. Moran
United States Administrative Law Judge

Dated: January 7, 2008
Washington, DC

CERTIFICATE OF SERVICE

I certify that the foregoing **Order Granting, in part, Motion for Extension**, dated January 7, 2008 was sent this day in the following manner to the addressees listed below:



Knolyn R. Jones
Legal Staff Assistant

Dated: January 7, 2008

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