

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION I**

IN THE MATTER OF:)	
)	
Polycarbon Industries, Inc.)	Order Granting Fifth Extension
9 Opportunity Way)	of Time to File Answer to
Newburyport, MA 01950)	Complaint
)	
Respondent.)	EPA Docket No.
)	RCRA-01-2018-0068

Respondent Polycarbon Industries, Inc. has submitted a fifth Motion to Extend Time to File Answer. This motion asks that the deadline to file an answer be extended an additional 60 days, i.e., until June 14, 2019. Complainant concurs with this extension.

In my previous order, I stated that absent extraordinary circumstances, I would not give Respondent any additional extensions of time to file an answer to the complaint. In support of this motion, Respondent states that circumstances beyond its control, such as a government shutdown and delays in the negotiation process attributable to Complainant, have delayed its ability to consider and evaluate Complainant’s response to Respondent’s submissions. In addition, Respondent states that as small company with limited resources, its resources would be better used to negotiate a final resolution of this matter. Moreover, Respondent represents that the parties will conduct further discussions to determine whether this matter can be settled through the use of alternative dispute resolution.

Under the rules governing this proceeding, “the Presiding Officer may grant an extension of time for filing any document: upon timely motion of a party to the proceeding, for good cause shown; and after consideration of prejudice to other parties; or upon its own initiative.” 40

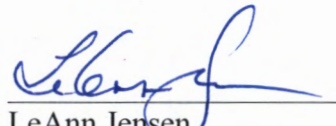
C.F.R. § 22.7(b). Respondent has shown sufficient cause for extending the deadline one last time. A 60-day extension should give the parties ample time to either reach settlement or prepare for litigation. No additional extensions of time will be granted.

In accordance with 40 C.F.R. §§ 22.7(b) and 22.16(c), for good cause shown, the Respondent is granted a fifth and final extension of time to file an Answer to the Complaint. Accordingly, the deadline for Respondent to file an Answer to the Complaint is extended until the close of business on Friday, June 14, 2019.

So Ordered:

Dated: _____

April 11, 2019



LeAnn Jensen
Regional Judicial Officer

In the Matter of Polycarbon Industries, Inc.
Docket No. RCRA-01-2018-0068

CERTIFICATE OF SERVICE

I certify that on this 11th day of April, 2019 the original foregoing Order was filed with the Regional Hearing Clerk, a copy was hand-delivered to Counsel for Complainant, and a copy was mailed by certified mail, return receipt requested, to Counsel for Respondent.

April 11, 2019
Date

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