

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2**

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In the Matter of :
 :
Ampacet Corporation, :
 :
Respondents. :
 :
Proceeding under Section 16(a) of the :
Toxic Substances Control Act. :
----- X

MOTION FOR EXTENSION OF TIME
Docket No. TSCA-02-2009-9243

U.S. ENVIRONMENTAL
PROTECTION AGENCY-REGION 2
2010 JUN 17 PM 2:09
REGIONAL HEARING
CLERK

PRELIMINARY STATEMENT

The above-captioned matter was filed by Complainant, the Director of the Division of Enforcement and Compliance Assistance for EPA, Region 2, on September 17, 2009, and Respondent, Ampacet Corporation, filed an Answer on November 25, 2009. The parties met for settlement on December 17, 2009 and participated in alternative dispute resolution with the assistance of Administrative Law Judge Moran. The parties worked diligently and in good-faith to resolve the matter expeditiously with a negotiated settlement including a Supplemental Environmental Project ("SEP").

On May 6, 2010, this honorable Court issued a prehearing order directing the parties to begin preparation for a litigated proceeding. Complainant was further directed to file her initial prehearing exchange by June 25, 2010.

Since the issuance of this Court's order, the parties have reached settlement in principle. The parties have agreed to a penalty payment of \$80,000 with no SEP. A draft Consent Agreement/Consent Order ("CA/FO") is circulating for concurrence within Region 2 and will be sent to Respondent for its review shortly.

MOTION FOR EXTENSION OF TIME TO FILE PREHEARING EXCHANGE

Section 22.7(b) of EPA's Consolidated Rules of Practice, 40 C.F.R. § 22.7(b), provides that

...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...

With concurrence of counsel for Respondent, I respectfully submit this motion for an extension of time to finalize and file the CAFO by August 6, 2010. This motion is the parties' first request for an Order extending the time to file prehearing exchange. The continued diligent

efforts of the parties and the extreme likelihood of completion of the settlement constitute good cause.

No hearing has been scheduled in this matter and no prejudice will accrue to the parties or the process if the parties are allowed to complete the settlement of this matter.

Respectfully submitted,



Naomi P. Shapiro
Assistant Regional Counsel, Region 2
Counsel for Complainant

Date: June 17, 2010
New York, NY

CERTIFICATE OF SERVICE

I certify that I have this day caused to be sent the foregoing MOTION, bearing the below-referenced docket number, in the following manner to the respective addressees below:

Original and One Copy
by Hand:

Office of Regional Hearing Clerk
U.S. Environmental Protection Agency - Region 2
290 Broadway, 16th floor
New York, New York 10007-1866

Copy by Pouch Mail
and FAX:

Administrative Law Judge Barbara A. Gunning
Office of Administrative Law Judges
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Mail Code 1900 L
Washington, D.C. 20460
Fax: 202-565-0044

Copy by Mail:

Rachel E. Deming, Esq.
Scarola Ellis LLP
888 Seventh Avenue, 45th Floor
New York, NY 10106

Dated: June 17, 2010
New York, New York


