



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

BEFORE THE ADMINISTRATOR

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In the Matter of:

Nelcon, Inc.,

Respondent

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Docket No. CWA-08-2012-0025

ORDER GRANTING MOTION FOR EXTENSION OF TIME TO FILE A CONSENT AGREEMENT AND FINAL ORDER OR PREHEARING EXCHANGES

On May 17, 2013, a Prehearing Order in this matter was issued directing the parties to engage in a settlement conference on or before May 31, 2013, for Complainant to file a status report regarding settlement on or before June 6, 2013, and if the case is settled, to file a fully executed Consent Agreement and Final Order no later than June 28, 2013. Additionally, if a Consent Agreement was not finalized on or before June 28, 2013, the Prehearing Order directed the parties to file prehearing exchanges in seriatim according to the following schedule: Complainant's Initial Prehearing Exchange - June 28, 2013; Respondent's Prehearing Exchange - July 19, 2013; Complainant's Rebuttal Prehearing Exchange - August 2, 2013.

On May 28, 2013, an Order Granting Motion for Extension of Time to File Status Report was issued for good cause shown in accordance with 40 C.F.R. § 22.7(b), directing both parties to engage in a settlement conference and the Complainant to file a status report regarding settlement by June 20, 2013. On June 17, 2013, Complainant filed a Settlement Status Report and Unopposed Motion for Extension of Time to File a Consent Agreement and Final Order or Prehearing Exchanges ("Motion to Extend").

Complainant's Motion to Extend requests that the deadlines to file a fully executed Consent Agreement and Final Order, or Complainant's Initial Prehearing Exchange, be extended from June 28, 2013, to July 26, 2013; and if necessary, the Respondent's Prehearing Exchange to August 16, 2013, and Complainant's Rebuttal Prehearing Exchange to August 30, 2013.

Section 22.7(b) of the 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. In support of its Motion to Extend, Complainant reported that the parties have reached a settlement in principle resolving all allegations made in the complaint, as well as additional matters discovered by the Complainant after the complaint was filed. Although both parties fully intend

to settle the matters in the complaint and the additional matters, they have not had the opportunity to negotiate and execute a consent agreement. Complainant has spoken to counsel for Respondent, who has no objection to Complainant's Motion to Extend.

Therefore, Complainant's Motion to Extend is hereby **GRANTED** for good cause shown in accordance with 40 C.F.R. § 22.7(b). Accordingly, the parties shall file a fully executed Consent Agreement and Final Order by **July 26, 2013**.

If necessary, the parties will file prehearing exchanges *in seriatim*, pursuant to the following schedule:

<b>July 26, 2013</b>	Complainant's Initial Prehearing Exchange
<b>August 16, 2013</b>	Respondent's Prehearing Exchange
<b>August 30, 2013</b>	Complainant's Rebuttal Prehearing Exchange

**SO ORDERED.**



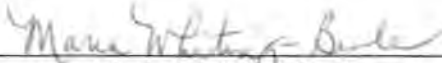
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Susan L. Biro  
Chief Administrative Law Judge

Dated: June 19, 2013  
Washington, D.C.

In the Matter of Nelcon, Inc., Respondent  
Docket No. CWA-08-2012-0025

CERTIFICATE OF SERVICE

I certify that the foregoing **Order Granting Motion For Extension Of Time To File A Consent Agreement And Final Order Or Prehearing Exchanges**, dated June 19, 2013, was sent this day in the following manner to the addressees listed below:

  
\_\_\_\_\_  
Maria Whiting-Beale  
Staff Assistant

Dated: June 19, 2013

Original And One Copy To:

Sybil Anderson  
Headquarters Hearing Clerk  
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Copy By Regular Mail And E-Mail To:

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