UNITED STATES ENVIRONMENTAL PROTECTION AGENCY REGION I

IN THE MATTER OF:)	
GVS North America, Inc. 63 Community Drive Sanford, ME 04073 Respondent.))	Order Granting Fifth Extension of Time to File Answer to the Complaint
)	EPA Docket No. RCRA-01-2017-0053
		RECEIVED
	ORDER	APR 0 2 2018
		EPA ORC WS

On or about March 29, 2018, Respondent submitted a fifth request for an extension of time to respond to the Complaint, and indicated that Complainant agreed with this deadline extension. In support of this request, Respondent stated that the parties have reached agreement on the terms of a Supplemental Environmental Project and need fourteen additional days to complete the settlement process.

The Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits as set forth in 40 C.F.R. Part 22 (CROP) requires the Presiding Officer to "avoid delay" in proceedings, and take all measures necessary for the efficient adjudication of issues arising in proceedings governed by the CROP. 40 C.F.R. § 22.4(b). The Complaint for this matter was filed on September 29, 2017, over six months before the date of this Order. Since this date, the Respondent has requested, and Complainant has assented to, four extensions of time. Despite the lengthy amount of time that has been granted for the negotiation and settlement of this matter, the parties have not yet

memorialized the terms of a settlement. This fifth request will extend the deadline for the filing of an Answer to April 13, 2018, more than six months after the filing date of the Complaint.

Although Section 22.7 of the CROP authorizes the Presiding Officer to extend the time to file a document upon a timely motion showing that the extension would be for good cause and would not cause undue prejudice to other parties, this authority must be balanced against the need to avoid unnecessary delay in a proceeding. See 40 C.F.R. §§ 22.7(b), 22.4(b).

Good cause exists for the granting of a motion if it is in the interest of the parties. Moreover, judicial economy will be served if the parties can settle this matter on mutually agreeable terms rather than litigate. Respondent has represented that the additional fourteen-day extension will allow the parties to resolve the final details of a settlement. In addition, neither the party has represented that they will be prejudiced by this delay.

Taking the above factors into consideration, the undersigned has determined that a settlement of this matter, which is reportedly near completion, serves the interest of the parties and judicial economy. In addition, this short extension will not cause undue prejudice to the parties.

Accordingly, Respondent will be granted one final extension of time to file an Answer to the Complaint. 40 C.F.R. §§ 22.7(b) and 22.16(c). The undersigned will not grant any additional deadline extensions for this matter unless the movant can show extraordinary circumstances to justify the additional delay.

The deadline for Respondent to file an Answer to the Complaint is extended until the close of business on Friday, April 13, 2018.

SO ORDERED:

Dated: April 2, 2018

LeAnn Jensen

Regional Judicial Officer

In the Matter of City of GVS North America, Inc. Docket No. RCRA-01-2017-0053

CERTIFICATE OF SERVICE

I certify that on this 2nd day of April, 2018 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 2 20/8
Date

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