

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4

IN THE MATTER OF:)
)
Southern Class Trucking, Inc.) Docket No. CWA-04-2007-5188
)
_____)

RECEIVED
EPA REGION 4
2007 NOV 26 PM 4:37
HEARING CLERK

ORDER GRANTING SECOND MOTION FOR EXTENSION OF TIME

It has come to my attention that on November 20, 2007, Respondent, Southern Class Trucking, Inc., filed a Motion for Extension of Time (Motion) in the above-captioned matter. Respondent seeks an additional thirty (30) day extension of time to file an answer to the Complaint which was filed in this matter on September 10, 2007. The basis for Respondent's Motion is that, due to health reasons, Respondent's representative was delayed in sending all requested information.

In a previous motion seeking an extension of time, Respondent filed an original of its Motion with the Regional Hearing Clerk and provided a copy to counsel for Complainant, but failed to provide a second copy of the Motion and an accompanying Certificate of Service as required by Section 22.5 of the Consolidated Rules of Practice governing this proceeding, 40 CFR § 22.5. In this instance, Respondent sent, via facsimile, an unsigned Motion for Extension of Time dated the same date the Answer was due. Subsequently, and at the direction of the Regional Hearing Clerk, Respondent mailed a signed copy of the Motion to the Regional Hearing Clerk, but apparently failed to send, via overnight mail, a copy to the undersigned, as she was so instructed. However, upon receipt of the faxed copy of the motion, the parties were notified verbally that an extension would be granted subject to receipt of the signed motion.

It appears that Complainant is neither opposed to granting the extension, nor prejudiced by the deficiencies in service. Furthermore, the poor health of Respondent's representative is good cause shown for granting the extension. Therefore, an extension of time is appropriate.

However, the parties are referred to section 22.7 of the Consolidated Rules governing these proceedings, which requires that

“ . . . the Presiding Officer may grant an extension of time for filing any document: . . . Any motion for an extension of time shall be filed sufficiently in advance of the due date so as to allow other parties reasonable opportunity to respond and to allow the Presiding Officer . . . reasonable opportunity to issue an order.” 40 CFR § 22.7

IT IS ORDERED:

1. Respondent's Motion is hereby granted. An Answer to the Complaint is due on or before **December 20, 2007**.
2. Any and all further pleadings filed by the parties in this matter are to meet the requirements set forth in the Consolidated Rules of Practice.

Dated: 11/26/07


Susan B. Schub
Regional Judicial Officer

I hereby certify that I have this day served a true and correct copy of the foregoing Order Granting Second Motion for Extension of Time, in the Matter of Southern Class Trucking, Inc., Docket No., CWA-04-2007-5188, on the parties listed below in the manner indicated:

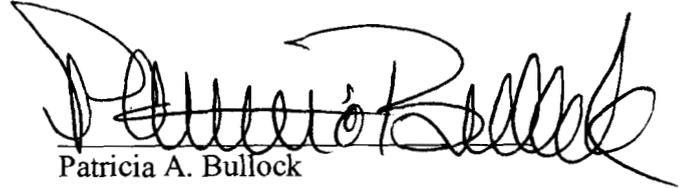
Ms. Carol Maxon
Southern Class Trucking, Inc.
1997 Hwy 341 S.
Yatesville, Ga 31097

(Certified Mail – Return
Receipt Requested)

Colleen E. Michuda, Esq.
Paul Schwartz, Esq.
U.S. Environmental Protection Agency
Region 4
61 Forsyth Street, S.W.
Atlanta, Georgia 30303

(Intra-Office Mail)

Date: 11-26-07



Patricia A. Bullock
Regional Hearing Clerk
U.S. Environmental Protection
Agency, Region 4
61 Forsyth Street, S.W.
Atlanta, GA 30303
404/562-9511