



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY BEFORE THE ADMINISTRATOR

U.S. ENVIRONMENTAL PROTECTION AGENCY-REG.11 2011 OCT 13 P 3 41 REGIONAL HEARING CLERK

In the Matter of:)
Andrew B. Chase, a/k/a Andy Chase,)
Chase Services, Inc., Chase Convenience)
Stores, Inc., and Chase Commercial)
Land Development, Inc.,)
Respondents.)

Docket No. RCRA-02-2011-7503

THIRD ORDER EXTENDING PREHEARING EXCHANGE DEADLINES

On July 12, 2011, a Prehearing Order was issued in this matter setting various prehearing filing deadlines. Upon motion and for good cause shown, the deadlines were extended by Orders dated July 18, 2011, and August 16, 2011.

On or about October 7, 2011, Complainant filed a Motion to Extend Prehearing Exchange Deadlines ("Motion"), seeking an additional two-month extension of the date by which the parties' prehearing exchanges must be filed, or, "at least" a one-month extension of such deadlines. Motion at 1, 4. Complainant states in the Motion that besides one telephone settlement conference on August 11, 2011, progress towards settlement has consisted of Respondents reaffirming their desire to settle on September 30, 2011, and sending some information to that end via email to Complainant on October 5, 2011. Id. at 2. When it initially moved for an extension in July, Complainant explains, it anticipated receiving documents relevant to settlement discussions by early September, however they were not received by that time. Therefore, the parties need more time "to give the negotiating process a bona fide chance to succeed," Complainant argues, and therefore seek to delay litigation deadlines for a third time. Id. at 3. Respondents' counsel, Complainant reports, consents to the relief sought in the Motion. Id.

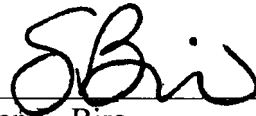
Section 22.7(b) of the Rules of Practice provides that the Presiding Officer may grant a motion requesting an extension of time for filing any document for good cause shown and after consideration of prejudice to the other parties. 40 C.F.R. § 22.7(b). It is noted that the parties twice have rejected this Office's offer to participate in Alternative Dispute Resolution. It is also noted that in the Motion, Complainant cites only one instance, an October 5, 2011 email, of information actually being exchanged in furtherance of settlement since the Prehearing Order was issued in this matter on July 12, 2011, three months ago. However, because Complainant

attests that it expects Respondent to provide more information “shortly,” the parties appear to be communicating regularly, and Complainant continues to emphasize that settlement negotiations are “quite likely to proceed to fruition” through this “final” extension, there is sufficient good cause to provide the parties with a reasonable amount of time to continue settlement negotiations. Motion at 2-4.

For good cause shown, the unopposed Motion is **GRANTED** to the extent that the prehearing deadlines are hereby extended, as follows:

November 10, 2011	Complainant’s Initial Prehearing Exchange
December 2, 2011	Respondent’s Prehearing Exchange
December 16, 2011	Complainant’s Rebuttal Prehearing Exchange

SO ORDERED.




Susan L. Biro
Chief Administrative Law Judge

Dated: October 11, 2011
Washington, D.C.

In the Matter of Andrew B. Chase, a/k/a Andy Chase, Chase Services, Inc., Chase Convenience Stores, Inc. and Chase Commercial Land Development, Inc., Respondents
Docket No. RCRA-02-2011-7503

CERTIFICATE OF SERVICE

I certify that the foregoing **Third Order Extending Prehearing Exchange Deadlines**, dated October 11, 2011, was sent this day in the following manner to the addressees listed below.



Maria Whiting-Beale
Staff Assistant

Dated: October 11, 2011

Original And One Copy By Pouch Mail To:

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