

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 7
11201 RENNER BOULEVARD
LENEXA, KS 66219

UNITED STATES
ENVIRONMENTAL PROTECTION
AGENCY-REGION 7
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IN THE MATTER OF)
)
SUPERIOR RESTORATION)
& CONSTRUCTION LLC,)
)
Respondent.)
_____)

Docket No. TSCA-07-2016-0017

ORDER

On September 26, 2019, Complainant filed “Complainant’s First Motion For Leave To Supplement The Record,” in which Complainant requests leave to supplement the Memorandum of Points and Authorities in Support of Complainant’s Motion for Default Order, as well as the Proposed Findings of Fact, Conclusions of Law, Default Order, and Initial Decision, both of which Complainant filed concurrently with its Motion for Default Order on March 28, 2018. The certificate of service accompanying Complainant’s Motion indicates that it was served on Respondent by certified mail on September 26, 2019. This proceeding is governed by the *Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties*, 40 C.F.R. Part 22 (Rules of Practice).

40 C.F.R. § 22.7(c) provides that service of all documents other than the complaint is complete upon mailing. In addition, where a document is served by U.S. mail, 3 days shall be added to the time allowed by the Rules of Practice for the filing of a responsive document. *Id.*

Pursuant to 40 C.F.R. § 22.16(a) of the Rules of Practice, Motions shall be served as provided by § 22.5(b)(2). A party’s response to any written motion must be filed within 15 days after service of such motion. 40 C.F.R. § 22.16(b). Any party who fails to respond within the designated period waives any objection to the granting of the motion. *Id.*

To date, Respondent has not filed a response to Complainant’s First Motion For Leave To Supplement The Record. Because the time for filing such response has elapsed, Respondent has waived any objection to the granting of Complainant’s Motion.

“[T]he 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; or upon its own initiative. 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 C.F.R. § 22.7(b). In addition, the Presiding Officer may “do all other acts and take all measures necessary for the maintenance of order and for the efficient, fair and impartial adjudication of issues arising in proceedings” 40 C.F.R. §22.4 (c)(10).

Accordingly, for good cause shown, Complainant’s First Motion For Leave To Supplement The Record is GRANTED.

Date: Nov. 4, 2019 Karina Borromeo
Karina Borromeo
Regional Judicial Officer/Presiding Officer

IN THE MATTER OF Superior Restoration & Construction, LLC, Respondent
Docket No. TSCA-07-2016-0017

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing Order was sent this day to the following persons in the manner indicated:

By Hand Delivery

Jared Pessetto
Assistant Regional Counsel
United States Environmental Protection Agency, Region 7
11201 Renner Boulevard
Lenexa, KS 66219

By Certified Mail, Return Receipt Requested

Mr. Cory Poulsen
Superior Restoration & Construction LLC
23625 West 92nd Terrace
Lenexa, KS 66227

Mr. Cory Poulsen
Superior Restoration & Construction LLC
7861 Mastin Drive
Overland Park, KS 66204

11/04/2019
Date


Lisa Haugen
Region 7 Hearing Clerk