

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

IN THE MATTER OF )  
)  
SUPERIOR RESTORATION )  
& CONSTRUCTION LLC, )  
)  
Respondent. )  
\_\_\_\_\_ )

Docket No. TSCA-07-2016-0017

**ORDER**

On June 25, 2019, I issued a Third Order to Complainant to Supplement the Record. Complainant’s brief was due on or before July 12, 2019. On July 12, 2019, Complainant filed a Motion for Extension of Time to File Response to Third Order to Supplement the Record. The certificate of service accompanying Complainant’s Motion indicates that it was served on Respondent by certified mail on July 12, 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 Motion for Extension of Time to File Response to Third Order 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 Motion for Extension of Time to File Response to Third Order to Supplement the Record is GRANTED. It is therefore ORDERED that Complainant shall file its brief on or before September 27, 2019.

Date: August 5, 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

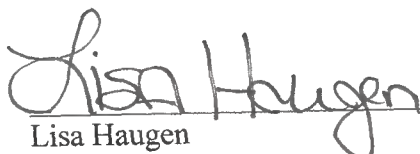
Jared Pessetto  
Assistant Regional Counsel  
United States Environmental Protection Agency, Region 7  
11201 Renner Boulevard  
Lenexa, KS 66219

By Certified Mail, Return Receipt Requested

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

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

8/5/19  
Date

  
\_\_\_\_\_  
Lisa Haugen  
Region 7 Hearing Clerk