



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

BEFORE THE ADMINISTRATOR

RECEIVED MAR 18 2009

REGIONAL HEARING CLERK U.S. ENVIRONMENTAL PROTECTION AGENCY

IN THE MATTER OF: )
PENNANT FOODS CO., ) Docket Nos.: EPCRA-05-2009-0005
Respondent. ) CERCLA-05-2009-0001
MM-05-2009-0002

ORDER GRANTING UNOPPOSED MOTION FOR EXTENSION OF TIME

Pursuant to a Prehearing Order previously issued in this matter, Respondent's Prehearing Exchange was due on or before March 27, 2009. By Motion dated March 9, 2009, and received by the undersigned on March 16, 2009, Respondent moved for an extension of time to file its Prehearing Exchange based upon the parties having reached a settlement. The Motion indicates that Complainant does not oppose the granting of the extension.

The Motion is hereby, GRANTED, as set forth below:

Section 22.7(b) of the Rules of Practice (40 C.F.R. § 22.7(b)) provides that the 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.

Good cause exists for the granting of the Motion in that it is in the interest of the parties and judicial economy for the parties to settle this matter on mutually agreeable terms rather than litigate the matter to conclusion. The Motion indicates that the parties have reached an agreement and are in the process of circulating the Consent Agreement for signature. In that a hearing in this case has yet to be scheduled, no prejudice will result from a brief delay. Therefore, Respondent shall have until April 27, 2009 to file its Prehearing Order unless a the fully executed Consent Agreement and Final Order is filed beforehand.


Susan L. Biro
Chief Administrative Law Judge

Dated: March 16, 2009
Washington, D.C.

In the Matter of Pennant Foods Company, Respondent  
Docket Nos. EPCRA-05-2009-0005, CERCLA-05-2009-0001 & MM-05-2009-0002

CERTIFICATE OF SERVICE

I certify that the foregoing **Order Granting Unopposed Motion For Extension Of Time**, dated March 16, 2009, was sent this day in the following manner to the addressees listed below.

  
\_\_\_\_\_  
Maria Whiting-Beale  
Staff Assistant

Dated: March 17, 2009

Original And One Copy By Pouch Mail To:

Tywanna Greene  
Acting Regional Hearing Clerk  
U.S. EPA  
77 West Jackson Boulevard, E-13J  
Chicago, IL 60604-3590

Copy By Pouch Mail To:

Jeffrey M. Trevino, Esquire  
Associate Regional Counsel  
U.S. EPA  
77 West Jackson Boulevard, C-14J  
Chicago, IL 60604-3590

Copy By Regular Mail To:

Andrew H. Perellis, Esquire  
Meagan Newman, Esquire  
Seyfarth Shaw LLP  
131 South Dearborn Street, Suite 2400  
Chicago, IL 60603

RECEIVED

MAR 18 2009

REGIONAL HEARING CLERK  
U.S. ENVIRONMENTAL  
PROTECTION AGENCY