



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

BEFORE THE ADMINISTRATOR

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In the Matter of:
Giles Chemical,
Respondent.

Docket Nos. MM-05-2011-0006
CERCLA-05-2011-0012
EPCRA-05-2011-0017

ORDER GRANTING MOTION TO RESCHEDULE DEADLINES

On June 1, 2011, this matter was initiated by the filing of a Complaint by the U.S. Environmental Protection Agency ("Complainant") against Giles Chemical ("Respondent") seeking civil penalties in the amounts of \$31,875 pursuant to Section 109(b) of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended, 42 U.S.C. § 9609(b), and \$111,405 pursuant to Section 325(b) of the Emergency Planning and Community Right-to-Know Act of 1986, 42 U.S.C. § 11045(b). Respondent filed an Answer on July 11, 2011. The undersigned issued a Prehearing Order in this matter on August 17, 2011, ordering Complainant to submit either a fully-executed Consent Agreement and Final Order ("CAFO") or file its Prehearing Exchange by September 30, 2011. In the Prehearing Order, the deadlines for Respondent's Prehearing Exchange and Complainant's Rebuttal Prehearing Exchange were set to October 21, 2011, and November 4, 2011, respectively.

On September 28, 2011, Complainant filed a Motion to Reschedule Deadlines for Prehearing Exchanges ("Motion"), seeking a twenty-one day extension of the prehearing exchange filing deadlines set by the Prehearing Order. As reason therefor, Complainant states that Respondent signed and dated a CAFO resolving this proceeding on September 26, 2011. "The parties require two to three weeks to sign and date the CAFO, and file it with the Regional Hearing Clerk," which should occur by October 21, 2011, Complainant asserts. The Motion provides that Respondent does not object to the relief sought therein.

The Rules governing this proceeding, 40 C.F.R. Part 22, provide 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; or upon its own initiative." 40 C.F.R. § 22.7(b).

For good cause shown by the pending final execution of a CAFO resolving this matter,

and without opposition from Respondent, the Motion is **GRANTED**. The parties are ordered to comply with the following extended deadlines:

October 21, 2011 Complainant's Initial Prehearing Exchange

November 14, 2011¹ Respondent's Prehearing Exchange(s)

November 25, 2011 Complainant's Rebuttal Prehearing Exchange



Susan L. Biro
Chief Administrative Law Judge

Dated: September 29, 2011
Washington, D.C.

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¹ November 11, 2011, Veteran's Day, is observed by the Federal Government.

In the Matter of Giles Chemical, Respondent

Docket Nos. MM-05-2011-0006; CERCLA-05-2011-0012 and EPCRA-05-2011-0017

CERTIFICATE OF SERVICE

I certify that the foregoing **Order Granting Motion To Reschedule Deadlines**, dated September 29, 2011, was sent this day in the following manner to the addressees listed below.



Maria Whiting-Beale
Staff Assistant

Dated: September 29, 2011

Original And One Copy By Pouch Mail To:

La Dawn Whitehead
Regional Hearing Clerk (E-19J)
U.S. EPA
77 West Jackson Boulevard
Chicago, IL 60604-3590

Copy By Pouch Mail To:

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

Copy By Regular Mail To:

Phillip R. Scaletta, Esquire
Jennifer Andres, Esquire
Ice Miller LLP
One American Square, Suite 2900
Indianapolis, IN 46282-0200

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