



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

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BEFORE THE ADMINISTRATOR

REGIONAL HEARING CLERK EPA REGION III, PHILA. PA

In the Matter of

Clarence Hazel,

Respondent

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Docket No. TSCA-03-2012-0015

Dated: May 30, 2012

Order on Complainant's Motion for Extension of Time to File Prehearing Exchange

The Prehearing Order issued in this proceeding set due dates for the parties to file their prehearing exchanges. The due date for Complainant's prehearing exchange is June 22, 2012. On May 29, 2012 Complainant submitted a Motion seeking an extension of time until August 6, 2012 to file its prehearing exchange. Grounds stated in the Motion are the parties have reached a settlement in principle and need additional time to prepare, finalize and execute a Consent Agreement and Final Order. The Motion states further that Respondent's counsel has no objection to the request.

The Rules of Practice that govern 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 . . . for good cause shown, and after consideration of prejudice to other parties." 40 C.F.R. § 22.7(b). A 45-day extension of time is rather lengthy and Complainant has not described any unusual circumstances necessitating such an extended period of time to complete the settlement. It is noted that Respondent is not represented by counsel. In the circumstances of this case, a four-week extension of time is deemed sufficient.

For good cause shown, Complainant is granted an extension of time. In the event the parties have not filed a fully executed Consent Agreement and Final Order settling this matter beforehand, Complainant shall file a status report as to the progress of settlement on or before June 29, 2012, and shall file its Prehearing Exchange on or before July 20, 2012. Respondent shall file its Prehearing Exchange on or before August 17, 2012, and Complainant shall file its Rebuttal Prehearing Exchange on or before September 4, 2012.

SO ORDERED.

[Handwritten signature]

M. Lisa Buschmann Administrative Law Judge

In the matter of *Clarence Hazel*, Respondent.
Docket No. TSCA-03-2012-0015

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CERTIFICATE OF SERVICE

I hereby certify that the foregoing **Order on Complainant's Motion for Extension of Time to File Prehearing Exchange**, dated May 30, 2012 was sent this in the following manner to the addressees listed below.


Knolyn R. Jones
Legal Staff Assistant

One Original & Copy by Mail:

Lydia Guy
Regional Hearing Clerk
U.S. EPA / Region III
1650 Arch Street
Philadelphia, PA 19103-2029
Fx: 215.814.2603

One Copy by Mail to:

Benjamin Cohan, Esq.
Regional Counsel
U.S. EPA / Region III
1650 Arch Street
Philadelphia, PA 19103-2029
Fx: 215.814.2603

One Copy Regular Mail to:

Clarence Hazel
2807 Landon Drive
Wilmington, DE 19810

Date: May 30, 2012
Washington, D.C.