

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
BEFORE THE ADMINISTRATOR

RECEIVED
NOV 25 2008

REGIONAL HEARING CLERK
U.S. ENVIRONMENTAL
PROTECTION AGENCY

IN THE MATTER OF:)
)
LIBRA INDUSTRIES, INC.) Docket No. EPCRA-05-2008-0005
)
Respondent.)

ORDER GRANTING COMPLAINANT'S MOTION FOR EXTENSION OF TIME

A Prehearing Order was issued in this matter directing the parties to file prehearing exchanges, setting a due date of November 21, 2008 for a Consent Agreement and Final Order (CAFO) or Complainant's Prehearing Exchange and a due date of December 5, 2008 for Respondents' Prehearing Exchange. On November 19, 2008, Complainant submitted a Motion for Extension of Time to File Consent Agreement and Consent Order and Initial Prehearing Exchange, requesting a 30-day extension of time, until December 22, 2008, to file a CAFO resolving this matter or its initial prehearing exchange.

The Motion reports that on October 29, 2008, the parties reached a settlement in principle and on October 31, Complainant submitted a draft CAFO to Respondent, informing Respondent of the time frame necessary to file the CAFO by the due date. On November 14, Respondent provided its approval of the CAFO and Complainant initiated the internal review and sign-off process. After this process is complete, Complainant will mail copies of the CAFO to Respondent for signature and thereafter the CAFO must be executed by EPA officials and filed. Complainant states in the Motion that it needs additional time to complete this process.

The prehearing schedule will be modified for good cause, 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. In that a hearing in this case has not been scheduled, no prejudice will result from the delay. However, in view of the report that the parties have reached a settlement of this matter, the parties shall file prehearing exchanges simultaneously in the event that the CAFO is not fully executed and filed on or before the due date set herein.

Accordingly, the parties shall file either a fully executed Consent Agreement and Consent Order or **both** parties shall file their prehearing exchanges, on or before **December 22, 2008**.



Susan L. Biro
Chief Administrative Law Judge

Date: November 21, 2008
Washington, D.C.

In the Matter of Libra Industries, Inc, Respondent
Docket No. EPCRA-05-2008-0005

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the **Order Granting Complainant's Motion for Extension of Time**, dated November 21, 2008 was sent this day in the following manner to the addressees listed below:

Original and One Copy by Pouch Mail to:

Tywanna Greene
Acting Regional Hearing Clerk
U.S. EPA - Region 5
77 West Jackson Boulevard, E-13J
Chicago, IL 60604-3590

Copy by pouch mail to:

Ann L. Coyle, Esquire
Associate Regional Counsel
U.S. EPA - Region 5
77 West Jackson Boulevard, C-14J
Chicago, IL 60604-3590

Copy by regular mail to:

Max E. Dehn, Esquire
Cavitch, Familo, Durkin & Frutkin
1717 East Ninth Street, 14th Floor
Cleveland, OH 44114-2876



M. Lisa Knight
Senior Staff Attorney

Dated: November 21, 2008