

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2

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In the Matter of: :
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Stevenson Commons Associates, L. P. :
Bronx, New York :
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 & :
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Grenadier Realty Corporation :
Brooklyn, NY :
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 Respondents :
 :
In a proceeding under the Clean Air Act :
42 U.S.C. § 7401, et seq, 42 U.S.C. § :
7413(d), Section 113(d) :
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CAA-02-2008-1220

Hon. Susan L. Biro,
Chief Administrative Law Judge

U.S. ENVIRONMENTAL
PROTECTION AGENCY-REG. 2
2009 JAN 30 AM 11:29
REGIONAL HEARING
CLERK

MOTION FOR AN EXTENSION OF TIME TO FILE PRE-HEARING EXCHANGES

Stevenson Commons Associates, L. P. (“Stevenson”) and Grenadier Realty Corporation (“Grenadier”), by and through their attorneys, Sive, Paget & Riesel, P.C. hereby request the Court to grant an additional 30-day extension of time for the service of pre-hearing exchanges. This extension has been agreed to by the Complainant in this proceeding, the Director of the Division of Enforcement and Compliance Assistance, EPA, Region 2 (“EPA”). All parties believe good cause exists for granting this motion, within the meaning of 40 C.F.R. 22.7(b) .

The issue was joined in this matter on October 30, 2008. Thereafter, the parties engaged in two attempts to set up a mediation process. Eventually, a mediator engaged by EPA was agreed upon by the parties. The parties filed position papers with the mediator and engaged in a mediation session before the mediator that lasted for the better part of January 8, 2009. The parties believe considerable progress was made in that session and significant but tentative alteration of positions took place. A problem in timing occurred because one of the critical

persons for the Respondents was on vacation for a week. Accordingly, the parties agreed to communicate their further position on January 23 and to meet in what both parties anticipated to be a penultimate meeting on January 26. The Respondents presented their offer on the 23rd. The parties conferred on the 26th and considerable progress was made. Indeed, a Settlement in principle has been reached. However, it will take several weeks to draft a settlement instrument, due to the fact that each of the two Respondents have differing interests in the settlement process which have to be reconciled and a complex Supplemental Environmental Project or “SEP” will have to be worked out. Moreover, it is believed that EPA staff will have to devote some time coordinating their positions with their colleagues.


On December 15, 2008, EPA, with the concurrence of the Respondents, moved this Court for a 60-day extension of time. This Court on December 18, 2008 extended Complainant’s time to file its pre-hearing exchanges to February 20, 2009, and granted a corresponding extension for the Respondents. Because of the differing interests between the Respondents and the complex nature of the settlement, we believe it will be in the interests of judicial economy and justice for this motion to be granted. Moreover, it is respectfully suggested that the delay involved will not involve any actual harm to human health or the environment, nor would it prejudice the litigation position of any party..

WHEREFORE, it is prayed that the time for pre-hearing exchanges be adjourned for an additional 30 days.

Dated: January 29, 2009
New York, New York

Respectfully submitted,

SIVE PAGET & RIESEL, P.C.
Attorneys for Respondents
Stevenson Commons Associates, L. P. and
Grenadier Realty Corporation

By: 
Daniel Riesel
460 Park Avenue
New York, NY 10022
(212) 421-2150

To:

Honorable Susan L. Biro
Chief Administrative Law Judge
U.S. Environmental Protection Agency
Office of Administrative Law Judges
Mail Code 1900L
Ariel Rios Building
1200 Pennsylvania Avenue
Washington, DC 20005

Karen Maples
Regional Hearing Clerk
U.S. Environmental Protection Agency
Region 2
290 Broadway - 16th Floor
New York, New York 10007-1866

Marie Quintin / Flaire Mills
Office of Regional Counsel, Air Branch
U.S. Environmental Protection Agency
Region 2
290 Broadway - 16th Floor
New York, New York 10007-1866