

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4

IN THE MATTER OF:)
)
Rodney O. Corr) Docket No. CWA-04-2008-5508
)
Respondent.)
_____)

HEARING CLERK

2008 NOV 18 AM 6:35

RECEIVED
EPA REGION IV

ORDER GRANTING EXTENSION OF TIME

PLEASE TAKE NOTICE, on September 4, 2008, Complainant, U.S.

Environmental Protection Agency (EPA), filed an Administrative Complaint¹ (Complaint) in the above-captioned matter. Thereafter, within the thirty day period provided by section 22.15(a) of the Consolidated Rules of Practice, 40 C.F.R. § 22.15(a), Respondent, Rodney O. Corr (Respondent or Mr. Corr) sent a letter to Counsel for Complainant, Ms. Wilda Cobb, in which Mr. Corr explained hardships incurred as a result of Hurricane Katrina. Primarily based upon those hardships, Mr. Corr requested additional time to respond to the Complaint. Specifically, Mr. Corr wrote,

“Government, please give me the time necessary. I don’t have the money. My family and I WILL gather the facts and will get back with you as soon as we can get everything together.”

The aforementioned letter was neither properly filed with the Regional Hearing Clerk, nor in compliance with requirements for filing a motion for an extension of time set forth at Sections 22.7 and 22.16 of the Consolidated Rules, 40 C.F.R. §§ 22.7 and

¹ A cover letter dated September 4, 2008, indicates the above-referenced Administrative Complaint was “amended filed.” The reason for the “amended” filing of the Complaint is neither explained, nor is there a provision for such amended filing in Part 22 of the Consolidated Rules governing this proceeding. Regardless of the terminology used by Complainant, the Administrative Complaint is date stamped September 4, 2008, and was served upon Respondent by certified mail, return receipt requested on that date.

22.16. Nevertheless, Ms. Cobb brought the letter to my attention and was directed to have the Regional Hearing Clerk enter the letter into the administrative record.

Notwithstanding the form and service defects, in the interests of maintaining an efficient, fair and impartial adjudication of issues arising in this proceeding, it is appropriate that the Respondent's letter be treated as a Motion for Extension of Time to file an Answer (Motion). Furthermore, based upon good cause shown, as well as the fact that Counsel for Complainant is unopposed to providing Respondent additional time to file his Answer,² an extension of time is appropriate.

IT IS ORDERED:

1. Respondent's Motion is hereby **granted**. Respondent's Answer to the Complaint is due on or before **December 20, 2008**.

2. Respondent is advised to comply with the requirements at Section 22.5 of the Consolidated Rules, 40 C.F.R. §22.5, pertaining to filing, service and form of all filed documents. In accordance with those rules, the original and one copy of each document intended to be part of the record shall be filed with the Regional Hearing Clerk, Ms. Patricia Bullock, and an additional copy shall be served upon the undersigned Presiding Officer.³ A certificate of service shall accompany each documents filed or served in the proceeding.

Date: Nov. 17, 2008


Susan B. Schub
Presiding Officer

² Counsel for Complainant confirmed this by telephone conversation with the undersigned on November 17, 2008.

³ However, documents pertaining to the content, as opposed to the process, of settlement negotiations are not to be made part of the Administrative Record.

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true and correct copy of the foregoing Order Granting Extension of Time, in the Matter of Rodney O. Corr, Docket No., CWA-04-2008-5508, on the parties listed below in the manner indicated:

Mr. Rodney O. Corr
2320 Vienna Drive
Granbury, Texas 76048-1468

Certified Mail – (Return
Receipt Requested)

Wilda Cobb, Esq.
U.S. Environmental Protection Agency
Region 4
61 Forsyth Street, S.W.
Atlanta, Georgia 30303

(via Intra-Office Mail)

Date: 11-18-08



Patricia A. Bullock
Regional Hearing Clerk
U.S. Environmental Protection
Agency, Region 4
61 Forsyth Street, S.W.
Atlanta, GA 30303
404/562-9511