



**UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY  
BEFORE THE ADMINISTRATOR**

**In the Matter of:** )  
 )  
**Nicor Gas,** ) **Docket No. TSCA-HQ-2015-5017**  
 )  
**Respondent.** )

**ORDER ON JOINT MOTION FOR EXTENSION OF TIME  
TO FILE PREHEARING EXCHANGES**

On September 15, 2015, the United States Environmental Protection Agency, Office of Enforcement and Compliance Assurance, Office of Civil Enforcement, Waste and Chemical Enforcement Division (“Complainant”) initiated this proceeding by filing a Complaint and Notice of Opportunity for Hearing against Nicor Gas (“Respondent”). Respondent filed its Answer to Complaint and Request for Hearing on October 21, 2015.

The parties subsequently participated in the Alternative Dispute Resolution process offered by this Tribunal. Upon termination of that process, I was designated to preside over the litigation of this proceeding. On April 18, 2016, I issued a Prehearing Order that established deadlines for a number of prehearing procedures, including the filing of a status report regarding the status of settlement negotiations between the parties, a fully-executed consent agreement and final order in the event that negotiations were successful, statements identifying each party’s preference for the location of a hearing, and the parties’ prehearing exchange of information. On May 13, 2016, the parties filed a Status Report, Joint Motion for Extension of Time to File Prehearing Exchanges, and Statement of Location Preference. In their Joint Motion, the parties request that the filing deadline for a fully-executed consent agreement and final order and Complainant’s Initial Prehearing Exchange be extended from June 3, 2016, to August 5, 2016, with the subsequent deadlines being extended accordingly.

The procedural rules that govern this proceeding, set forth at 40 C.F.R. Part 22, authorize the Presiding Officer to grant an extension of time for the filing of any document “upon timely motion of a party to the proceeding, for good cause shown, and after consideration of prejudice to other parties.” 40 C.F.R. § 22.7(b). As grounds for their request to extend the filing deadlines in the present proceeding, the parties relate that counsel for Complainant is conducting several out-of-town weeklong settlement negotiations in May, while Respondent’s counsel is preparing for trial in July and August. The parties also contend that the Joint Motion satisfies the procedural rules in that it was timely filed and their requested extension does not prejudice either

party or unduly delay this proceeding. Finally, the parties represent that if the Joint Motion is granted, “the extended timeframe for filing prehearing exchanges will enable the parties to settle and/or prepare properly without unduly burdening the Judge or the Judge’s docket.”

Upon consideration, I agree that the Joint Motion shows good cause and otherwise meets the requirements of the procedural rules. Accordingly, the Joint Motion is hereby **GRANTED**. Complainant shall file a Status Report regarding the status of any settlement negotiations between the parties, which shall not include any specific terms of settlement, on or before **July 8, 2016**. If the case is settled, a fully-executed consent agreement and final order shall be filed with the Regional Hearing Clerk no later than **August 5, 2016**, and a copy submitted to the undersigned.

If a consent agreement is not finalized on or before the latter date, the parties shall file their prehearing exchanges pursuant to the following schedule, as proposed by the parties:

<b>August 5, 2016</b>	Complainant’s Initial Prehearing Exchange
<b>August 26, 2016</b>	Respondent’s Prehearing Exchange
<b>September 9, 2016</b>	Complainant’s Rebuttal Prehearing Exchange

**SO ORDERED.**



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Christine Donelian Coughlin  
Administrative Law Judge

Dated: May 20, 2016  
Washington, D.C.

**In the Matter of Nicor Gas, Respondent**  
**Docket No. TSCA-HQ-2015-5017**

**CERTIFICATE OF SERVICE**

I hereby certify that true copies of this **Order on Joint Motion for Extension of Time to File Prehearing Exchanges**, dated May 20, 2016, and issued by Administrative Law Judge Christine Donelian Coughlin, were sent to the following parties on this 20th day of May 2016, in the manner indicated.



\_\_\_\_\_  
Danielle L. Pope  
Paralegal Specialist

**Original and One Copy by Hand Delivery To:**

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Dated: May 20, 2016  
Washington, D.C.