



UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
BEFORE THE ADMINISTRATOR

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In the Matter of:)
)
Juan Hernandez,)
)
Respondent.)

Docket No. TSCA-01-2012-0029

**ORDER ON JOINT MOTION FOR EXTENSION OF TIME
AND AMENDING PREHEARING ORDER**

On December 11, 2012, a Prehearing Order scheduling a series of prehearing filing deadlines was issued in this matter. Complainant was to file a status report by January 18, 2013, and file either a fully-executed Consent Agreement and Final Order (“CAFO”) or a prehearing information exchange no later than February 1, 2013. On January 17, 2013, Complainant filed a Status Report indicating that the parties had reached an agreement-in-principle and “begun the process of negotiating a” CAFO. Status Report at 1. On January 29, 2013, the parties filed a Joint Motion for Extension of Time for Filing Consent Agreement and Final Order (“Joint Motion”).

In the Joint Motion, the parties repeat that they have “reached a settlement-in-principle” and state they are “making progress negotiating the terms of the CAFO.” Joint Mot. at 1. The parties indicate that Respondent “must obtain financing to pay the penalty” as part of the agreement, and that additional time is required to secure such financing. *Id.* The parties further indicate that Complainant’s counsel will be out of the office and unable to file Complainant’s prehearing information exchange by the deadline. *Id.* at 1–2. The parties therefor request that the time to file the CAFO be extended from February 1, 2013, to March 1, 2013. *Id.* at 1.

The Joint Motion is hereby **GRANTED** for good cause shown in accordance with 40 C.F.R. § 22.7(b). Unless the parties first file a fully executed CAFO, the parties must prepare for hearing and shall strictly comply with the Prehearing Order issued December 11, 2012, in accordance with the revised filing deadlines set forth herein:

- March 1, 2013** Complainant’s Initial Prehearing Exchange
- March 22, 2013** Respondent’s Prehearing Exchange
- April 5, 2013** Complainant’s Rebuttal Prehearing Exchange

SO ORDERED.



Susan L. Biro
Chief Administrative Law Judge

Dated: January 30, 2013
Washington, D.C.

In the Matter of Juan Hernandez, Respondent
Docket No. TSCA-01-2012-0029

CERTIFICATE OF SERVICE

I certify that the foregoing **Order On Joint Motion For Extension Of Time And Amending Prehearing Order**, dated January 30, 2013, was sent this day in the following manner to the addressees listed below.



Maria Whiting-Beale
Staff Assistant

Dated: January 30, 2013

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