



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY BEFORE THE ADMINISTRATOR

RECEIVED BY OAL 2015 SEP 16 PM 3:01

In the Matter of:)
Aylin, Inc., Rt. 58 Food Mart, Inc.,) Docket No. RCRA-03-2013-0039
Franklin Eagle Mart Corp.,)
Adnan Kiriscioglu d/b/a New Jersey Petroleum)
Organization a/k/a NJPO,)
5703 Holland Road Realty Corp.,)
8917 South Quay Road Realty Corp., and)
1397 Carrsville Highway Realty Corp.)
Respondents.)

ORDER ON MOTION FOR EXTENSION OF TIME TO RESPOND TO COMPLAINANT'S MOTION FOR DISCOVERY

On March 27, 2013, the United States Environmental Protection Agency, Director of the Land and Chemicals Division of Region 3 ("Complainant"), filed an Administrative Complaint, Compliance Order and Notice of Right to Request Hearing charging Aylin, Inc. ("Aylin"), Rt. 58 Food Mart, Inc. ("Rt. 58"), Franklin Eagle Mart Corp. ("Franklin Eagle"), and Adnan Kiriscioglu d/b/a New Jersey Petroleum Organization a/k/a NJPO ("Kiriscioglu") with violations of Section 9005(a) of the Resource Conservation and Recovery Act ("RCRA"), 42 U.S.C. § 6991d(a), and certain provisions of the Virginia Administrative Code. Aylin, Rt. 58, Franklin Eagle, and Kiriscioglu filed a joint Answer to Administrative Complaint, Compliance Order and Notice of Right to Request a Hearing on April 29, 2013.

On November 5, 2013, I issued a Prehearing Order and Order on Motion to Stay Proceedings, which set deadlines for the parties' prehearing exchange process and for the filing of dispositive motions regarding liability. The parties subsequently filed their prehearing

1 By leave of this Tribunal, Complainant subsequently filed a First Amended Administrative Complaint, Compliance Order and Notice of Right to Request Hearing against Aylin, Rt. 58, Franklin Eagle, Kiriscioglu, 5703 Holland Road Realty Corp., 8917 South Quay Road Realty Corp., and 1397 Carrsville Highway Realty Corp. (collectively, "Respondents") on August 12, 2015. Respondents filed a joint Answer to First Amended Complaint, Administrative Complaint, Compliance [sic] Order and Notice of Right to Request a Hearing on August 31, 2015.

exchanges and engaged in extensive motions practice. In particular, on February 24, 2014, Complainant filed a Motion for Discovery seeking interrogatories and document production from Respondents Aylin, Rt. 58, Franklin Eagle, and Kiriscioglu. On March 12, 2014, I issued an Order on Complainant's Motion for Discovery, which required Respondents Aylin, Rt. 58, Franklin Eagle, and Kiriscioglu to respond to Complainant's discovery requests. On May 7, 2014, Respondent Kiriscioglu filed a Motion to Defer Discovery Response ("Motion to Defer") and Memorandum of Points and Authorities in Support, wherein he sought to delay his obligation to submit his personal financial information in response to Complainant's Motion for Discovery until after a ruling had been issued on another pending motion. By Order dated August 10, 2015, I denied Respondent Kiriscioglu's Motion to Defer and directed Respondents to respond to Complainant's Motion for Discovery on or before September 11, 2015, in accordance with the Order on Complainant's Motion for Discovery issued on March 12, 2014, to the extent that Respondents had not already done so.

On September 15, 2015, Respondent Kiriscioglu filed an Unopposed Motion for Extension of Time to Respond to Complainant's Motion for Discovery ("Motion for Extension"). Therein, Respondent Kiriscioglu requests an extension of the deadline to respond to Complainant's Motion for Discovery until October 1, 2015, and asserts that Complainant does not oppose the request.

This proceeding is governed by the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits, 40 C.F.R. §§ 22.1–22.45 ("Rules of Practice"). Section 22.7(b) of the Rules of Practice authorizes me to grant extensions of time for filing 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).

Here, Respondent Kiriscioglu contends that the Declaration of Jeffrey L. Leiter attached to the Motion for Extension demonstrates that good cause exists for the requested extension. In his Declaration, Mr. Leiter identifies himself as counsel for Respondents and provides numerous grounds for an extension, such as the "significant undertaking" of responding to Complainant's detailed discovery requests, the "substantial conflicts" presented by the 30-day period prescribed for Respondent Kiriscioglu to prepare those responses, and "other unavoidable work-related commitments" of Mr. Leiter. Upon consideration, I conclude that good cause has been shown for the brief extension requested by Respondent Kiriscioglu. While the Motion for Extension was not timely filed, Complainant does not object to it. Thus, for good cause shown and after consideration of any prejudice, the Motion for Extension is hereby **GRANTED**.

SO ORDERED.

Christine Donelian Coughlin
Administrative Law Judge

Dated: September 16, 2015
Washington, D.C.

In the Matter of *Aylin, Inc., RT. 58 Food Mart, Inc., Franklin Eagle Mart Corp., Adnan Kiriscioglu d/b/a New Jersey Petroleum Organization a/k/a NJPO, 5703 Holland Quay Road Realty Corp., and 1397 Carrsville Highway Realty Corp.*, Respondents.

Docket No. RCRA-03-2013-0039

CERTIFICATE OF SERVICE

I hereby certify that the foregoing **Order on Motion for Extension of Time to Respond to Complainant's Motion for Discovery**, dated September 16, 2015, was sent this day in the following manner to the addressees listed below.



Mary Angeles
Lead Legal Staff Assistant

Original and One Copy by Hand Delivery to:

Sybil Anderson
Headquarters Hearing Clerk
U.S. EPA / Office of Administrative Law Judges
Mail Code 1900R
1200 Pennsylvania Ave., NW
Washington, DC 20460

One Copy by Electronic and Regular Mail to:

Janet E. Sharke, Esq.
Sr. Assistant Regional Counsel
Louis Ramalho, Esq.
Attorney Adviser
ORC, U.S. EPA, Region III
1650 Arch Street
Philadelphia, PA 19103-2029
Email: sharke.janet@epa.gov

One Copy by Electronic and Regular Mail to:

Jeffrey L. Leiter, Esq.
Leitner & Cramer, PLLC
1707 L Street, NW, Suite 560
Washington, DC 20036
Email: jll@leitercramer.com

Dated: September 16, 2015
Washington, D.C.