



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

In the Matter of:)
)
Professional Contract Sterilization, Inc.,) **Docket No. CAA-01-2022-0059**
)
Respondent.)

ORDER ON RESPONDENT’S REQUEST FOR EXTENSION

Pending before the Tribunal is Respondent Professional Contract Sterilization, Inc.’s Request for Extension to File Prehearing Submittals (“Request”), filed on November 10, 2022. Complainant U.S. Environmental Protection Agency, Region 1, filed its Response to Respondent’s Motion for Extension of Time (“Response”) on November 14, 2022.

As grounds for the Request, Respondent states it is in the process of gathering financial information requested by Complainant, but may need additional time to complete this task. Req. at 1. Respondent also relates that emission testing is tentatively scheduled for January 2023, and suggests that results from this testing may impact “decisions by both EPA and PCS with respect to the disputed emissions, existing technology and proposed penalties.” Req. at 1. Respondent claims that “[i]f the PCS testing fails testing metrics than [sic] PCS may be required to invest over hundreds of thousands of dollars in new technology which PCS proposed as part of the solution to the disputed penalties and stack emission allegations made by EPA.” Req. at 1. Respondent requests that the deadline for its prehearing submissions be moved until after the parties have had the opportunity to review the emissions test results in February 2023. Req. at 2.

In its Response, Complainant argues that “Respondent’s assertions in its Motion regarding proposed stack emissions testing and possible technology upgrades are immaterial to this proceeding, and thus are not ‘good cause’ bases for an extension.” Resp. at 1. Complainant also states that it would assent to a 30-day extension to give Respondent time to submit financial information. Resp. at 1-2.

Under the Consolidated Rules of Practice governing this proceeding, set forth at 40 C.F.R. Part 22, the Presiding Officer “may grant an extension 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). Respondent has requested extra time to prepare its prehearing submissions, and to the extent time is needed to secure documents, Respondent shall receive *some* extra time. However, the proceeding cannot pause indefinitely. As such, the Request is **GRANTED in part**. I will allow additional time (more than the 30 days proposed in the Response) to move both pending deadlines beyond the imminent holiday season. I find neither party will be prejudiced by extending the filing deadlines until January 2023, and the extension may give the parties even more time to review Respondent’s financial information, which could facilitate the resolution of this matter.

The outstanding Prehearing Exchanges shall now be filed and served on or before the following deadlines:

January 6, 2023

Respondent's Prehearing Exchange

January 20, 2023

Complainant's Rebuttal Prehearing Exchange

Any remaining deadlines set by the Prehearing Order, such as that for filing a joint motion for the appointment of a neutral, are extended accordingly.

SO ORDERED.



Susan L. Biro
Chief Administrative Law Judge

Dated: November 15, 2022
Washington, D.C.

In the Matter of *Professional Contract Sterilization, Inc.*, Respondent.
Docket No. CAA-01-2022-0059

CERTIFICATE OF SERVICE

I hereby certify that the foregoing **Order on Respondent's Request for Extension**, dated November 15, 2022, and issued by Chief Administrative Law Judge Susan L. Biro, was sent this day to the following parties in the manner indicated below.


Alyssa Katzenelson
Attorney-Advisor

Copy by OALJ E-Filing System to:
Mary Angeles, Headquarters Hearing Clerk
U.S. Environmental Protection Agency
Office of Administrative Law Judges
Ronald Reagan Building, Room M1200
1300 Pennsylvania Ave. NW
Washington, DC 20004

Copy by Electronic Mail to:
Jaegun Lee
U.S. Environmental Protection Agency, Region 1
Email: lee.jaegun@epa.gov
Counsel for Complainant

Copy by Electronic Mail to:
Robert A. Fasanella
Rubin and Rudman LLP
Email: rfasanella@rubinrudman.com
Counsel for Respondent

Dated: November 15, 2022
Washington, D.C.