



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

<b>In the Matter of:</b>	)	
	)	
<b>Homeca Recycling Center Co., Inc.,</b>	)	<b>Docket No. CAA-02-2024-1201</b>
	)	
<b>Respondent.</b>	)	

**ORDER ON RESPONDENT’S UNOPPOSED MOTION FOR AN EXTENSION OF TIME**

This proceeding was initiated on October 20, 2023, when Complainant, the Director of the Caribbean Environmental Protection Division of Region 2 of the United States Environmental Protection Agency, filed a Complaint and Notice of Opportunity to Request a Hearing against Respondent Homeca Recycling Center Co., Inc., for alleged violations of Sections 112 and 113 of the Clean Air Act, 42 U.S.C. §§ 7412 and 7413, and the National Emission Standard for Asbestos, 40 C.F.R. Part 61, Subpart M. After Respondent filed an Answer to Complaint and Request for Hearing on December 5, 2023, the matter was forwarded to this Tribunal for adjudication, and I was designated to preside.

By Prehearing Order dated January 19, 2024, I set deadlines for certain prehearing procedures, including a prehearing exchange of information by the parties and the filing of certain prehearing motions. Pursuant to that Order and an Order dated April 9, 2024, Complainant and Respondent each filed a prehearing exchange. Additionally, with leave of this Tribunal, Complainant filed an Amended Complaint and Notice of Opportunity to Request a Hearing, to which Respondent filed an Answer to Amended Complaint and Request for Hearing.

By Order dated May 28, 2024, I granted Complainant’s unopposed request for the remaining prehearing deadlines to be extended on the basis of the parties’ efforts toward evaluating Respondent’s ability to pay the proposed penalty. Respondent now moves for an additional extension of the remaining prehearing deadlines in an Unopposed Motion for an Extension of Time on the Remaining Prehearing Filing Deadlines (“Motion”) filed on June 14, 2024, to which it attached a Stipulation to Extend Prehearing Filing Deadlines (“Stipulation”). In the Motion, Respondent relates that it has encountered delays in gathering certain financial information because of issues with its accounting system and that, in addition, Complainant has requested more information that its financial expert identified as necessary for completing an analysis of Respondent’s ability to pay. Accordingly, Respondent requests that the remaining prehearing deadlines be extended as set forth in the Motion and as agreed upon by the parties in the Stipulation.

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 (“Rules of Practice” or “Rules”), set forth at 40 C.F.R. Part 22. The Rules of Practice provide that I “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; or upon its own initiative.” 40 C.F.R. § 22.7(b). Further, the Rules authorize me to “[d]o all other acts and take all measures necessary for the maintenance of order and for the efficient, fair and impartial adjudication of issues arising in proceedings governed by these Consolidated Rules of Practice.” 40 C.F.R. § 22.4(c)(10).

Upon consideration, I find that Respondent’s Motion was timely, demonstrates diligence rather than any dilatory motive by the parties, and proposes a reasonable timeline for the advancement of this proceeding given the circumstances. Accordingly, the Motion is hereby **GRANTED**. As requested, the prehearing schedule is extended as set forth below:

<b>August 9, 2024</b>	Complainant’s Rebuttal Prehearing Exchange
<b>August 23, 2024</b>	Any joint motion for the appointment of a neutral
<b>October 22, 2024</b>	Any dispositive motions

**SO ORDERED.**



---

Michael B. Wright  
Administrative Law Judge

Dated: June 21, 2024  
Washington, D.C.

In the Matter of *Homeca Recycling Center Co., Inc.*, Respondent.  
Docket No. CAA-02-2024-1201

**CERTIFICATE OF SERVICE**

I hereby certify that the foregoing **Order on Respondent's Unopposed Motion for an Extension of Time**, dated June 21, 2024, and issued by Administrative Law Judge Michael B. Wright, was sent this day to the following parties in the manner indicated below.

  
\_\_\_\_\_  
Mary Angeles  
Paralegal Specialist

Original by OALJ E-Filing System to:  
Office of Administrative Law Judges  
U.S. Environmental Protection Agency  
[https://yosemite.epa.gov/OA/EAB/EAB-ALJ\\_Upload.nsf](https://yosemite.epa.gov/OA/EAB/EAB-ALJ_Upload.nsf)

Copy by Electronic Mail to:  
Evelyn Rivera-Ocasio, Esq.  
Sara Amri, Esq.  
Assistant Regional Counsel  
U.S. Environmental Protection Agency, Region 2  
Email: [rivera-ocasio.evelyn@epa.gov](mailto:rivera-ocasio.evelyn@epa.gov)  
Email: [amri.sara@epa.gov](mailto:amri.sara@epa.gov)  
*Counsel for Complainant*

Rafael A. Toro-Ramírez  
TORO & ARSUAGA, LLC  
Email: [rtoro@toro-arsuaga.com](mailto:rtoro@toro-arsuaga.com)  
*Counsel for Respondent*

Dated: June 21, 2024  
Washington, D.C.