

UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY  
  
BEFORE THE ADMINISTRATOR

IN THE MATTER OF: )  
 )  
BAYVIEW ENVIRONMENTAL ) DOCKET No. TSCA-09-99-0005  
SERVICES, INC., )  
 )  
Respondent )

**ORDER TERMINATING PROCEEDINGS**  
**BEFORE THE CHIEF ADMINISTRATIVE LAW JUDGE**

This case was instituted on September 30, 1999. On March 3, 2000, an Alternate Dispute Resolution (ADR) proceeding in this matter was terminated on the basis that the parties reported that they had reached an agreement in principle to settle this matter. An Initial Prehearing Order was issued on March 13, 2000, ordering the parties to file a fully executed Consent Agreement and Final Order (CAFO) no later than April 7, 2000, with a copy sent to the undersigned. By Motion dated April 5, 2000, the parties requested a sixty (60) day extension of time to file the CAFO, which was granted by Order dated April 10, 2000. The parties were given until *June 5, 2000* to file their fully executed Agreement. To date, the undersigned has not received a copy of a Consent Agreement in this matter.

A Status Report, dated June 7, 2000, was received by mail by the undersigned's office on June 8, 2000. The Status Report states that a CAFO has been drafted and signed by Respondent, but that the CAFO has not yet been fully executed. The Status Report states further that "the Complainant is routing the document for signature. Upon filing of the Consent Agreement and Final Order a copy will be sent to the Presiding Administrative Law Judge." The Status Report is not captioned as a motion and does not request an extension of time to file the CAFO. There is no basis under the Rules of Practice upon which to grant an extension.<sup>1</sup> Therefore, no extension of time to file the CAFO will be provided.

There is no further need for the undersigned to preside in this matter. Cases are referred to

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<sup>1</sup> The Rules of Practice, 40 C.F.R. Part 22, as amended, 64 Fed. Reg. 40176 (July 23, 1999), provide that the presiding judge "may grant an extension of time for filing any document: upon timely *motion* of a party to the proceeding, *for good cause shown* . . ." and that motions shall "[s]et forth the relief sought" and "[s]tate the grounds therefor, with particularity." 40 C.F.R. §§ 22.7(b), 22.16(a).

the Office of Administrative Law Judges solely for the purpose of providing the respondent with the right to a hearing before an Administrative Law Judge, consistent with the applicable statutes and the Administrative Procedure Act. The parties are deemed to have waived the right to hearing, as the parties have reported that they have reached agreement on all outstanding issues in this matter, the Respondent has signed a CAFO, and Complainant has not requested any extension of time to fully execute and file the CAFO.

Accordingly, this proceeding before the undersigned is hereby deemed **CLOSED** as of this date.

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Susan L. Biro  
Chief Administrative Law Judge

Dated: June 19, 2000  
Washington, D.C.