



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

BEFORE THE ADMINISTRATOR

In the Matter of Johnson Matthey, Respondent Docket No. CAA-02-2012-1222 Dated: March 7, 2013

Order on Third Motion for an Extension of Time to File Prehearing Exchange

The Prehearing Order issued in this proceeding directed Complainant and Respondent to submit prehearing exchanges on January 11, 2013 and February 8, 2013, respectively. On March 4, 2013, Complainant submitted a Third Motion for an Extension of Time to File Prehearing Exchanges ("Motion"), seeking a three-week extension of the due dates for the prehearing exchange. Grounds stated in the Motion are the parties have reached an agreement in principle and worked diligently to reduce their agreement to a written Consent Agreement and Final Order ("CAFO"), but that Complainant will need to prepare a motion "to amend the Complaint in order to ensure that the CAFO accurately reflects the new information provided by Respondent during the settlement negotiations." Mot. at 2. Complainant states that the parties need additional time to prepare and submit the motion to amend, complete the CAFO, and obtain approval of and signatures for the CAFO from both parties. The Motion states that Respondent concurs in the request.

The Rules of Practice that govern this proceeding, 40 C.F.R. Part 22, provide that the presiding officer may grant an extension of time for filing any document "upon timely motion . . . , for good cause shown, and after consideration of prejudice to other parties." 40 C.F.R. § 22.7(b).

For good cause shown, an extension of time is granted. In the event the parties have not filed a fully executed Consent Agreement and Final Order settling this matter beforehand, Complainant shall file its Prehearing Exchange on or before March 29, 2013, Respondent shall file its Prehearing Exchange on or before April 26, 2013, and Complainant shall file its Rebuttal Prehearing Exchange on or before May 10, 2013.

SO ORDERED.

Lisa Buschmann

M. Lisa Buschmann Administrative Law Judge

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CERTIFICATE OF SERVICE

I certify that the foregoing Order on Third Motion for Extension of Time to File Prehearing Exchange, dated March 7, 2013, was sent in the following manner to the addressees listed below.



Knolyn R. Jones
Legal Staff Assistant

Dated: March 7, 2013

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