

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

In the Matter of:)	
)	
BASF Corporation,)	Docket No. CWA-05-2018-0008
)	
Respondent.)	

**COMPLAINANT RESPONSE TO
RESPONDENT MOTION FOR 60-DAY EXTENSION OF TIME
TO FILE ITS PREHEARING EXCHANGE**

Complainant, the Acting Director, Water Division, Region 5, United States Environmental Protection Agency (“U.S. EPA,” “Complainant” or “Agency”), through her undersigned attorney, hereby files her Response to Respondent Motion for 60-Day Extension of Time to File its Prehearing Exchange, and requests the Court deny the Motion due to the following facts.

1. On September 28, 2018, the Court issued to the parties its Prehearing Order which notified Respondent its Response Prehearing Exchange was due on November 30, 2018, a full three weeks after Complainant filed its Initial Prehearing Exchange.
2. The Order granted Respondent three full weeks to review and respond to Complainant’s Initial Prehearing Exchange, which was reasonable, absent good cause alleged and demonstrated by Respondent.
3. Respondent’s Motion alleged it indicated to Complainant that it wanted to continue settlement discussions, but failed to state to the Court why it could not continue settlement discussions and simultaneously comply with the Prehearing Order of the Court.
4. Respondent’s Motion alleged it “would appreciate an opportunity to further explore settlement given its receipt of the recently received information on damages[.]” but failed to state to the Court why it did not already “further explore settlement discussions

- given its recently received information on damages [.]” Respondent also failed to state to the Court why it could not continue settlement discussions and simultaneously comply with the Prehearing Order of the Court. Respondent’s Motion also failed to state to the Court it had not schedules any further settlement discussions.
5. Respondent’s Motion stated it needed more time to “review voluminous exhibits,” “investigate and conduct research,” and “prepare its (Response) Prehearing Exchange[.],” particularly due to the “critical BASF personnel who are unavailable due to the Thanksgiving holiday season[.],” but failed to state to the Court why it did not foresee or plan for such work, or why a one-day Thanksgiving holiday would disable it to comply with the Prehearing Order.
 6. Respondent’s Motion failed to provide to the Court any fact to demonstrate why it required a full 60-day extension to comply with the Prehearing Order of the Court.
 7. Therefore, Respondent failed to allege or demonstrate to the Court any “good cause” to support its Motion.
 8. It is true Complainant stated to Respondent that it generally did not object to a Respondent Motion for Extension of a Deadline, but Complainant also stated to Respondent that it should ask Complainant first, as the Prehearing Order of the Court required. However, Respondent did not ask Complaint whether it objected to its Motion before it filed, and Complainant would have, and does object to this Motion, particularly due to the length of time requested.

Wherefore, Complainant respectfully requests the Court deny Respondent Motion for a 60-Day Extension of time to File its Response Prehearing Exchange.

Respectfully Submitted,

/s/Jeffery M. Trevino

Jeffery M. Trevino

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CERTIFICATE OF SERVICE

I hereby certify that today I filed with the Office of Administrative Law Judge E-Filing System at www.epa.gov/alj, and thus also provided the Presiding Officer Administrative Law Judge Christine Donelian Coughlin a copy of **COMPLAINANT RESPONSE TO RESPONDENT MOTION FOR 60-DAY EXTENSION OF TIME TO FILE ITS PREHEARING EXCHANGE.**

I hereby certify that today I also issued to DJ Camerson, Counsel to Respondent, via e-mail at djcamerson@bressler.com, one copy of **COMPLAINANT RESPONSE TO RESPONDENT MOTION FOR 60-DAY EXTENSION OF TIME TO FILE ITS PREHEARING EXCHANGE.**

16 November 2018
Date

/s/Jeffery M. Trevino
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