

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

IN THE MATTER OF:

Homeca Recycling Center Co., Inc.  
  
Respondent

Docket No. CAA-02-2024-1201

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**RESPONDENT’S MOTION FOR LEAVE TO FILE PREHEARING EXCHANGE  
OUT OF TIME**

TO THE HONORABLE JUDGE WRIGHT:

COMES NOW Respondent, Homeca Recycling Center Co., Inc. (Respondent) through its undersigned counsel, and informs and respectfully requests:

1. On January 19, 2024, the Prehearing Order in this case was issued which called for Respondent to file its Prehearing Exchange by March 22, 2024.
2. On March 7, 2024, Complainant filed a Motion for Leave to Correct Typographical Errors in the Complaint.
3. On March 15, 2024, an Order was issued by this Tribunal to Complainant to file an Amended Complaint which would then become the governing complaint in this matter.
4. On March 21, 2024, Complainant notified counsel for Respondent a copy of the Amended Complaint and Notice of Opportunity to Request a Hearing.

5. On March 27, 2024, Complainant informed Respondent that it did not intend to serve the Amended Complaint directly to Respondent but rather by copying the undersigned as counsel for Respondent, unless directed by this Tribunal to do so. Copy omitted.

6. As a result of these procedural events, and consistent with the governing Rules of Practice, set forth in 40 C.F.R. §22.14(c), Respondent informs that it intends to file an Answer and Request for Hearing on the Amended Complaint on or before April 10, 2024.

7. Also, as a result of these procedural events, Respondent understood that after filing the Answer and Request for Hearing, a revised schedule for Prehearing Exchange would be issued.

8. However, on March 27, 2024, Respondent received an email from this Tribunal asking about the status of Respondent's Prehearing Exchange, to which Respondent replied explaining its understanding regarding a revised schedule for filing a Prehearing Exchange because of the procedures and terms resulting from the Amended Complaint.

9. On same date, this Tribunal indicated that the March 22, 2024, deadline for Respondent to file its Prehearing Exchange was not altered.

10. Based on the filing of the Amended Complaint and Respondent's intention to file an Answer and Request for Hearing, Respondent files this motion seeking leave to file its Prehearing Exchange after the unaltered deadline.

11. Respondent understands that its interpretation of the procedural effect on the schedule for filing its Prehearing Exchange resulting from the filing of the Amended

Complaint and Opportunity for Hearing was done in good faith, is reasonable and not intended to unnecessarily delay these procedures.

12. Prior to filing this motion, Respondent contacted counsel for Complainant who indicated no objection to the relief sought in this motion.

THEREFORE, and based on the forgoing reasons, Respondent respectfully requests that this Honorable Judge issue an Order granting Respondent's motion seeking leave to file a Motion Requesting Order to File Prehearing Exchange on this same date.

RESPECTFULLY SUBMITTED,

This Motion is filed with the Headquarters Hearing Clerk using the OALJ E-Filing System.

April 2, 2024

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