

**UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY**

BEFORE THE ADMINISTRATOR

IN THE MATTER OF:)
)
ORB INDUSTRIES, INC.,) **DOCKET No. FIFRA-04-2000-0042**
)
Respondent.)

SHOW CAUSE ORDER ON MOTION FOR EXTENSION OF TIME

By Motion filed June 16, 2001, Complainant moved for a twenty day extension of time to file the Consent Agreement and Final Order in this matter. The Motion does not indicate that the Respondent was contacted with regard to the extension requested in advance of the filing of the Motion.

Rule 22.7(b) of the Consolidated Rules of Practice (40 C.F.R. § 22.7(b)) governing this action provides that motions for extension of time “shall be filed sufficiently in advance of the due date so as to allow other parties reasonable opportunity to respond and to allow the Presiding Officer . . . reasonable opportunity to issue an order.” The instant Motion was filed *after* the due date sought to be extended, which was June 15, 2001, and then only upon prompting by this Tribunal.¹

Moreover, Rule 22.7 further provides that extensions of time may be granted only upon “good cause shown.” The instant Motion proffers no such good cause. To the contrary, the Motion indicates that the Complainant signed the Consent Agreement on July 12, 2001 and then, four days later, *after the filing deadline*, on July 16, 2001, sent it to Respondent. No explanation is given for Complainant’s delay in forwarding the proposed agreement nor for failing to file for an extension of time in a timely manner.

Other cases have been dismissed for failing to file the Consent Agreement by the due date established by Order of this Tribunal, *and never reinstated*. See e.g., *In the Matter of Eric Tate*, FIFRA-09-99-0005 (ALJ July 3, 2000) and *In the Matter of Allied Environmental, Inc.*, TSCA-

¹ Contact with Complainant was made by this Tribunal’s office upon receipt, *after the deadline*, but before the Motion, of a “Status Report,” also dated June 16, 2001, wherein Complainant noted the existence of the July 15, 2001 filing deadline and that it had not been complied with. The purpose of such contact was to notify Complainant that status reports are not accepted in lieu of motions for extension.

09-99-0004 (ALJ July 29, 2000).

Therefore, on or before **July 26, 2001**, Complainant shall provide a statement of such good cause as exists for failing to follow the Rules and Order of this Tribunal and for extending the filing deadline despite violations of such Rules and Order.

Susan L. Biro
Chief Administrative Law Judge

Dated: July 23, 2001
Washington, D.C.