

**UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY**

BEFORE THE ADMINISTRATOR

In the matter of)
)
Ford Motor Company,) **Docket No. RCRA-5-99-010**
)
Respondent)

ORDER DENYING MOTION TO AMEND COMPLAINT

The United States Environmental Protection Agency (“EPA”) seeks to amend the complaint in this matter “to add allegations of violations of the RCRA Subpart J regulations.” Mot. at 1. Ford Motor Company (“Ford”) opposes this motion. The motion to amend the complaint is *denied*.

First, during a conference call held on June 13, 2002, EPA was informed by this Tribunal that any motion to amend the complaint must be filed no later than June 28, 2002. EPA’s present motion to amend is out of time. It was filed on August 13, 2002.

Second, the complaint initiating this matter was filed on September 30, 1999. EPA has offered no explanation as to the approximately three-year delay in seeking to amend the complaint.

Third, the remaining count in this case, Count I, appears to involve only 40 C.F.R. Part 265, Subpart BB, as respondent submits is the case. Opp. at 1. In fact, the joint status reports filed in this case seem to bear this out, referring to Subpart BB. Yet, EPA now seeks to add a count which involves “RCRA Subpart J regulations.” Mot. at 1. Even if the untimeliness of EPA’s motion could be excused, complainant offers not persuasive argument as to why the alleged violation of Subpart J should be incorporated into this case. EPA’s unsupported assertions of judicial economy, efficiency, and conservation of resources are not enough. Indeed, this Tribunal finds that allowing EPA to amend the complaint at this late date would serve to substantially delay these proceedings.

Accordingly, the motion to amend is *denied*.

Carl C. Charneski
Administrative Law Judge

Washington, D.C.
October 11, 2002