

**UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY**

BEFORE THE ADMINISTRATOR

In the Matter of)	
)	
Westway Terminal Company, Inc.,)	Docket No. CERCLA-05-2006-0003
)	EPCRA-05-2006-0002
)	MM-05-2006-0002
Respondent)	

**Order Granting Extension of Time to File the Prehearing Exchange
with Caveat**

On June 12, 2006, this Court received a copy of Complainant’s Motion for Extension of Time to File Prehearing Exchange (“Motion”). Complainant maintains that “the parties are actively involved in settlement discussions, including negotiation of a possible supplemental environmental project . . . [and] the parties anticipate executing a Consent Agreement and Final Order . . . by July 20, 2006.” Motion at § 4. According to Complainant, Respondent’s counsel has no objection to the motion.

Stating that the parties are “actively involved in settlement negotiations” is not a sufficient basis to seek an extension. The prehearing order advised that “the continuation of settlement negotiations will not provide good cause for not meeting [the prehearing exchange] schedule” Prehearing Order at 1. Usually, such extension requests advise that the parties have reached an agreement in principle, and no such representation was made in this instance. However, the motion did advise that the parties anticipated executing a consent agreement by July 20, 2006. On the assumption that the Complainant inartfully expressed the advanced state of settlement negotiations, the Court grants the Motion and extends the filing date for the prehearing exchanges or, in the alternative, the submission of a fully executed consent agreement, to July 20, 2006. Further extensions will be disfavored.

So ordered.

William B. Moran
United States Administrative Law Judge

Dated: June 14, 2006
Washington, DC