

UNITED STATES OF AMERICA  
ENVIRONMENTAL PROTECTION AGENCY

BEFORE THE ADMINISTRATOR

RECEIVED  
EPA HEADQUARTERS  
HEARD  
1996 FEB -5 AM 11:1

IN THE MATTER OF )  
 )  
H & P Industries, Inc., ) Docket No. FIFRA 95-H-07  
 )  
Respondent )

ORDER GRANTING MOTION FOR EXTENSION OF TIME

By motion dated February 1, 1996, Counsel for the Complainant moves for a 40-day extension of time to file the Consent Agreement and Consent Order in the above-captioned proceeding. Complainant cites the furlough of EPA employees as grounds for the extension.

The Respondent does not oppose the motion.

Extraordinary circumstances have been shown to warrant approval of the motion. The motion is granted. If the case is settled, the Consent Agreement and Final Order signed by the parties should be filed no later than March 27, 1996, with a copy sent to the undersigned. If the case is not settled by March 27, 1996, the parties shall prepare for trial. The initial prehearing exchange shall be filed on or before April 26, 1996. Reply prehearing exchanges shall be filed on or before May 17, 1996.

The instant complaint was filed in February 1995. The parties have had adequate opportunity to engage in settlement discussions. This order grants yet additional time to pursue those discussions.

If the case is not settled, I expect the parties to meet the prehearing deadlines set by this order. A further extension of time will not be granted absent a showing of extraordinary circumstances. The desire to continue settlement discussions, or an averment that a settlement in principle has been reached, will not constitute extraordinary circumstances sufficient to warrant further extensions. Of course, the parties, if they choose, may continue their settlement discussions after the service of the prehearing exchange.

Any motion for additional time must show extraordinary circumstances. It also must be served in sufficient time to permit a response by opposing counsel and to permit the issuance of an order before the deadlines set by this Order. Counsel are encouraged to obtain the consent of opposing counsel to the extension and so indicate in the moving papers.

CERTIFICATE OF SERVICE

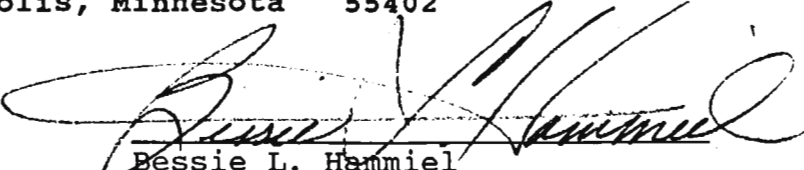
I do hereby certify that the foregoing Order Granting Motion For Extension of Time was filed in re H & P Industries, Inc.;  
Docket No. FIFRA 95-H-07 and copies of the same were mailed to the following:

(Interoffice)

Caroline Ahearn, Esq.  
Toxics & Pesticides Enforcement Div.  
(2245-A)  
U.S. Environmental Protection Agency  
401 M Street, S.W.  
Washington, D.C. 20460

(1st Class Mail)

Robert B. Jaskowiak, Esq.  
Counsel for Respondent  
Rider, Bennett, Egan & Arundel  
2000 Metropolitan Centre  
333 South Seventh Street  
Minneapolis, Minnesota 55402



Bessie L. Hammel  
U.S. E.P.A. (1900)  
401 M Street, S.W.  
Washington, D.C. 20460

Dated: February 5, 1996