



UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
BEFORE THE ADMINISTRATOR

In the Matter of:)
)
Paco Swain Realty, L.L.C.,) Docket No. CWA-06-2012-2712
)
Respondent) Dated: January 5, 2015

ORDER ON JOINT MOTION TO CANCEL OR POSTPONE HEARING

The Order Scheduling Hearing in this proceeding set the hearing to commence on January 15, 2015. On December 31, 2014, Complainant filed a Status Report informing the undersigned that the parties have reached a settlement in principle on all substantive terms and intend to file a fully-executed Consent Agreement and Final Order (“CAFO”) by January 9, 2015 or soon thereafter. On January 2, 2015, the parties filed a Joint Motion to Cancel or Postpone Hearing (“Motion”). Due to their settlement in principle and expected CAFO, the parties request that the hearing be canceled or postponed.

The Rules of Practice governing this proceeding, 40 C.F.R. part 22, provide, “No request for postponement of a hearing shall be granted except upon motion and for good cause shown.” 40 C.F.R. § 22.21(c). Agency policy supports settlement, and it is in the interest of the parties and of judicial economy to resolve this dispute by mutual agreement. *See* 40 C.F.R. § 22.18(b). Where the parties have achieved a mutually agreeable settlement and are diligently working to file a CAFO as soon as possible, there is good cause to grant the parties time to file a fully-executed CAFO, without losing their opportunity for a hearing in the event the CAFO is not finalized. In the circumstances of this case, postponement of the hearing is appropriate.

For good cause shown, the Joint Motion to Cancel or Postpone Hearing is **GRANTED**. Accordingly, the parties shall file a fully executed Consent Agreement and Final Order on or before **January 30, 2015**. If the parties fail to meet this deadline, a new hearing date will be set.


SO ORDERED.

M. Lisa Buschmann
Administrative Law Judge

In the Matter of Paco Swain Realty, L.L.C., Respondent
Docket No. CWA-06-2012-2712

CERTIFICATE OF SERVICE

I certify that the foregoing **Order On Joint Motion To Cancel Or Postpone Hearing**, dated January 5, 2015, was sent this day in the following manner to the addressees listed below:



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Staff Assistant

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Dated: January 5, 2015
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