



**UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY  
BEFORE THE ADMINISTRATOR**

**In the Matter of:** )  
 )  
**Caribbean All Metal Recyclers Corp.,** ) **Docket No. RCRA-02-2016-7103**  
 )  
 )  
**Respondent.** )

**ORDER ON MOTION FOR EXTENSIONS OF TIME**

This action was initiated on October 4, 2016, by the United States Environmental Protection Agency, Region 2, Director of the Division of Enforcement and Compliance Assistance (“Complainant” or “EPA”), filing a Complaint, Compliance Order and Notice of Opportunity for Hearing against Respondent, Caribbean All Metal Recyclers Corp., under Section 3008 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act and Hazardous and Solid Waste Amendments of 1984, codified at 42 U.S.C. §§ 6901-6991m (collectively, the “Act” or “RCRA”). By Order dated January 13, 2017, the undersigned was designated to preside over this proceeding. By Prehearing Order dated January 27, 2017, the parties were ordered to engage in a settlement conference and file prehearing exchanges of information by certain dates set forth in the Prehearing Order.

On February 8, 2017, Complainant timely submitted a Motion for Extensions of Time (“Motion”) requesting a 60-day extension of time for all of the deadlines set forth in the Prehearing Order. Complainant specifically requested the following:

- (a) staying for two months (60 days) so much of the Prehearing Order as directed the parties to hold a settlement conference by February 24, 2017;
- (b) staying for two months (60 days) so much of the Prehearing Order as directed Complainant to file a status report by March 3, 2017;
- (c) staying for two months (60 days) so much of the Prehearing Order requiring the parties, if they have by then settled, to file a fully executed consent agreement and final order by March 10, 2017;
- (d) staying for two months (60 days) the schedule for the respective submissions of the parties’ prehearing exchanges;
- (e) staying for two months (60 days) the requirement that any dispositive motion be filed within 30 days of the filing of Complainant’s rebuttal prehearing exchange;
- (f) extending the deadline for the parties to hold a settlement conference through to April 24, 2017;

(g) extending the date for Complainant to submit a status report to May 1, 2017;

(h) extending the deadline for the parties, if they have by then settled, to submit a fully executed consent agreement and final order to May 8, 2017;

(i) extending the schedule for the submission of the prehearing exchanges as follows (if the parties have not settled by then): Complainant's initial submission to be filed by May 8, 2017, Respondent's prehearing exchange by May 22, 2017 and Complainant's rebuttal prehearing exchange by May 30, 2017; and

G) extending the deadline for the submission of any dispositive motion until June 26, 2017.

Motion at 5. As good cause, Complainant asserts that Respondent consents to the extension and, therefore, will not be prejudiced; it has not made any previous requests for extensions of time; the request was made at an early stage of this proceeding and no previous requests for extension of time have been made; and, the parties seek the additional time to “channel their efforts and resources to attain a negotiated settlement.” Motion at 6. As background information in support of the Motion, Complainant explained that it is evaluating Respondent’s assertion that it is unable to pay the proposed penalty and is awaiting additional financial information from Respondent that corroborates the assertion. Motion at 2-3.

Section 22.7(b) of the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits (40 C.F.R. § 22.7(b)) provides that the Presiding Officer may grant an extension of time for filing any document upon timely motion of a party to the proceeding, for good cause shown, and after consideration of prejudice to other parties.

The Motion for Extensions of Time is hereby **GRANTED** for good cause. Accordingly, the parties shall comply as follows:

1. The parties are directed to engage in a settlement conference on or before **April 24, 2017**, and to attempt to reach an amicable resolution of this matter. Without mentioning any specific terms of settlement, Complainant shall file a Status Report regarding this conference and the status of settlement, on or before **May 1, 2017**. If the case is settled, a fully-executed Consent Agreement and Final Order shall be filed with the Regional Hearing Clerk no later than **May 8, 2017**, and a copy submitted to the undersigned.
2. The prehearing exchanges called for in the January 27, 2017 Prehearing Order shall be filed *in seriatim* fashion, pursuant to the following schedule:


**May 8, 2017** Complainant’s Initial Prehearing Exchange

**May 22, 2017** Respondent’s Prehearing Exchange(s)

**May 30, 2017** Complainant’s Rebuttal Prehearing Exchange

3. Dispositive motions regarding liability, such as a motion for accelerated decision or motion to dismiss under 40 C.F.R. § 22.20(a), shall be filed no later than **June 26, 2017**.

**SO ORDERED.**

  
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Susan L. Biro  
Chief Administrative Law Judge

Dated: March 2, 2017  
Washington, D.C.

**In the Matter of *Caribbean All Metal Recyclers Corp.*, Respondent.  
Docket No. RCRA-02-2016-7103**

CERTIFICATE OF SERVICE

I hereby certify that copies of this Order on Motion for Extensions of Time, dated March 2, 2017, issued by Susan L. Biro, Chief Administrative Law Judge, were sent to the following parties in the manner indicated.

  
\_\_\_\_\_  
Michael Wright  
Attorney Advisor

**Original and One Copy by Hand Delivery to:**

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**Dated: March 2, 2017  
Washington, DC**