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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

BEFORE THE ADMINISTRATOR

In the Matter of)	
)	
Solomon Schechter Day School)	Docket No. CAA-III-074
of Philadelphia, Inc.,)	
)	
Respondent)	

ORDER DENYING COMPLAINANT'S
MOTION FOR PARTIAL ACCELERATED DECISION

In this Clean Air Act case, 42 U.S.C. § 7401 *et seq.*, the U.S. Environmental Protection Agency ("EPA") requests that an order be issued finding Solomon Schechter Day School of Philadelphia, Inc. ("Schechter"), liable for the two Counts at issue. In response, Schechter in part argues that EPA's motion for accelerated decision is untimely. Schechter's argument is well-taken.

By order dated August 7, 1997, the parties were advised that the time for filing dispositive motions was being extended from September 8, 1997, to October 14, 1997.⁽¹⁾ EPA's present motion for accelerated decision, however, was not filed until October 17, 1997, after the dispositive motion filing deadline. In addition to being out of time, EPA did not request that the court accept its late-filed motion. It simply filed the motion late.⁽²⁾


Accordingly, EPA's motion for accelerated decision is denied.⁽³⁾

Carl C. Charneski

Administrative Law Judge

Issued: January 9, 1998
Washington, D.C.

1. The August 7 order specifically identified motions for accelerated decision as being subject to the October 14 deadline.

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2. A conference call involving the parties and the court subsequently was held on October 20, 1997, at which time the tardiness of EPA's motion was acknowledged.
 3. It is, in any event, the court's view that a hearing is necessary in this case.

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