



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

In the Matter of:)
)
August Mack Environmental, Inc.,) **Docket No. CERCLA-HQ-2017-0001**
)
Requestor.)

**ORDER GRANTING REQUESTOR’S MOTION FOR AN EXTENSION OF TIME TO
RESPOND TO RESPONDENT’S MOTION TO DISMISS**

This proceeding was initiated August 16, 2017, when the Review Officer, the Director of the Office of Superfund Remediation and Technology Innovation, forwarded August Mack Environmental, Inc.’s (“August Mack”) Request for Hearing and the administrative record to the Chief Administrative Law Judge of the U.S. Environmental Protection Agency to rule on the merits of August Mack’s claim for reimbursement from the Fund under Sections 111(a)(2) and 112(b)(2) of the Comprehensive Environmental Response, Compensation, and Liability Act (“CERCLA”), 42 U.S.C. §§ 9611(a)(2), 9612(b)(2), in accordance with the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) Administrative Hearing Procedures for Claims Against the Superfund, set forth at 40 C.F.R. Part 305 (“Procedural Rules”). Later, that same day, Respondent filed its Answer to the Request for Hearing and a Motion to Dismiss. By Order dated August 17, 2017, I was designated to preside over this matter as the Presiding Officer.

The Procedural Rules provide, in pertinent part, that “a party’s response to any written motion must be filed within 10 days after service of such motion, unless additional time is allowed for such response.” 40 C.F.R. § 305.23(b).

In addition to Respondent’s Motion to Dismiss, pending before this Tribunal is August Mack’s August 18, 2017 Motion for Extension of Time to Respond to Respondent’s Motion to Dismiss (“Motion for Extension”). As grounds for the Motion for Extension, August Mack offers that it recently had a change in its lead counsel in this case and that it “cannot reasonably be expected to respond to the Motion to Dismiss within ten (10) days after first receiving the name of the Review Officer, information that the Review Officer had referred the matter to this Tribunal, and Respondent’s Answer.” Mot. for Ext. at 3. For these reasons, August Mack requests forty-five days within which to respond to Respondent’s Motion to Dismiss.

On August 21, 2017, Diane Ajl, the Chief of the Office of Remediation Enforcement entered her appearance in this matter as co-counsel for Respondent and states that Respondent “does not object to the Requestor’s Motion for Extension of Time.”

Upon consideration of the foregoing, August Mack’s Motion for Extension is hereby **GRANTED**. August Mack shall file and serve its response to Respondent’s Motion to Dismiss on or before September 30, 2017.

SO ORDERED.

A handwritten signature in black ink, appearing to read 'S. Biro', is positioned above a horizontal line.

Susan L. Biro
Chief Administrative Law Judge

Dated: August 21, 2017
Washington, D.C.

In the Matter of *August Mack Environmental, Inc.*, Requestor.
Docket No. CERCLA-HQ-2017-0001

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing **Order Granting Requestors Motion for an Extension of Time to Respond to Respondent's Motion to Dismiss**, dated August 21, 2017, were sent this day to the following parties in the manner indicated below.



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Attorney Advisor

Original and One Copy by Hand Delivery to:

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Dated: August 21, 2017
Washington, D.C.