

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY

BEFORE THE ADMINISTRATOR

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In the Matter of:)
)
Collis, Inc.,) Docket No. RCRA-07-2012-0014
)
Respondent.)

**ORDER ON UNOPPOSED MOTION FOR AN ADDITIONAL EXTENSION OF TIME
FOR RESPONDENT'S PREHEARING EXCHANGE**

On February 21, 2013, Respondent filed an Unopposed Motion for Additional Extension of Time for Respondent's Prehearing Exchange ("Motion"). Respondent requests an extension of the deadline to file its prehearing exchange until April 1, 2013. In its Motion, Respondent states that the parties have reached an agreement to settle the matters alleged in the Complaint and have agreed to "all substantive provisions of the Consent Agreement and Final Order (CAFO), except the incorporated work plans." Mot. at 2. Respondent further states that, although the parties are in agreement as to the scope of the work plans and have exchanged drafts, the documentation of the work plans has not been finalized by Respondent nor approved by Complainant. The Motion indicates that the parties believe that Complainant's approval of the work plans is imminent. Therefore, Respondent requests a thirty-day extension of time for the submission of its prehearing exchange, with a concomitant extension of the deadline for Complainant's rebuttal prehearing exchange of April 22, 2013.

The Rules applicable to this proceeding, 40 C.F.R. Part 22, provide, in pertinent part with regards to extension of time, that "[t]he Environmental Appeals Board or 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." 40 C.F.R. § 22.7(b). Respondent has shown good cause for the granting of its Motion in that the parties have reached a settlement on all matters alleged in the Complaint and the fact that the Complainant's approval of the work plan is imminent. *Id.* The undersigned finds that the granting of Respondent's Motion will not prejudice Complainant because granting an extension will allow the parties to focus their efforts on finalizing the CAFO. *Id.*

For the foregoing reasons, Respondent's Unopposed Motion for Additional Extension of Time for Respondent's Prehearing Exchange is **GRANTED** and the prehearing exchanges or CAFO shall now be filed no later than the following dates:

April 1, 2013 Respondent's Prehearing Exchange or CAFO

April 22, 2013

Complainant's Rebuttal Prehearing Exchange

As of March 29, 2013, the Office of Administrative Law Judges will have relocated. The new mailing addresses will be as follows:

If using the US Postal Service

Mailing Address:

U.S. Environmental Protection Agency
Office of Administrative Law Judges
Mailcode 1900R
1200 Pennsylvania Avenue NW
Washington, D.C. 20460

If using UPS/FedEx/DHL or other Courier

Courier Address:

U.S. Environmental Protection Agency
Office of Administrative Law Judges
Ronald Reagan Building, Room M1200
1300 Pennsylvania Avenue, NW
Washington, D.C. 20460

SO ORDERED.



Susan L. Biro
Chief Administrative Law Judge

Dated: February 26, 2013
Washington, D.C.

In the Matter of Collis, Inc., Respondent
Docket No. RCRA-07-2012-0014

CERTIFICATE OF SERVICE

I certify that the foregoing **Order On Unopposed Motion For An Additional Extension Of Time For Respondent's Prehearing Exchange**, dated February 26, 2013, was sent this day in the following manner to the addressees listed below.



Maria Whiting-Beale
Staff Assistant

Dated: February 26, 2013

Original And One Copy To:

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