

**BEFORE THE
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**

In the Matter of:

EDWARD AND THERESA WASHINES,
DA STOR AT LILLIE'S CORNER

Wapato, Washington

Respondents.

DOCKET NO. RCRA-10-2014-0100

**COMPLAINANT'S UNOPPOSED
MOTION FOR AN EXTENSION OF
TIME TO THE HEARING SCHEDULE**

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Pursuant to Rules 22.7(b) and 22.16(a) of the *Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation / Termination or Suspension of Permits* (Part 22 Rules), Complainant, Region 10 of the United States Environmental Protection Agency, hereby moves this Court for an extension to the schedule set forth in the Notice of Hearing and Scheduling Order (Hearing Order), issued on January 8, 2015.

Complainant respectfully makes this request in good faith and in the interest of judicial economy, for the reasons below.

On February 3, 2015, Counsel for Complainant filed Complainant's Unopposed Supplemental Motion for Leave to Amend the Complaint, which included a Proposed Amended Complaint. If leave to amend the Complaint is granted, Respondent is entitled to 20 additional days from the date of service of the amended complaint to file an amended answer. 40 C.F.R. § 22.14(c).

Complainant intends to file a motion for accelerated decision as to liability, pursuant to Rules 22.16(a) and 22.20. Under the current schedule, Complainant would be required to file any dispositive motions by February 20, 2015, by which date Respondent will likely not yet have filed an Amended Answer.

In order to allow sufficient time for consideration of dispositive motions to be filed by the parties, Complainant respectfully requests a delay in the scheduled hearing date of sufficient length to allow for a ruling on Complainant's Unopposed Supplemental Motion to Amend the Complaint, a filing of an amended Answer (if applicable), and consideration of a motion for accelerated decision on liability and any necessary counter-motions. This extension to the prehearing schedule is in the interest of both parties as it will potentially facilitate the timely and efficient resolution of issues where there is no genuine issue of material fact to be determined at hearing.

Under the Part 22 Rules, the Presiding Officer may grant an extension of time upon timely motion of a party to the proceeding, for good cause shown, and after consideration of the prejudice of the parties. 40 C.F.R. §§ 22.7(b) and 22.16(a).

Prior to filing this Motion, the undersigned Complainant's Counsel contacted the opposing party as to the extension requested herein, and Respondents' Counsel stated that he does not oppose the relief sought herein.

Wherefore, for the reasons set forth above, having demonstrated good cause for the extension, and that it should not result in any prejudice to Respondents, Complainant respectfully requests the Presiding Officer grant its motion to extend the deadline for filing non-dispositive prehearing motions, and for an extension to the hearing date.

Complainant's Counsel may be contacted by phone at (206) 553-2723, by email at bellovary.chris@epa.gov, or by mail at Christopher W. Bellovary, EPA Region 10, 1200 Sixth Avenue, Suite 900, Mail Stop ORC-158, Seattle, Washington 98101.

Respectfully submitted this 6th day of February, 2015.


Christopher W. Bellovary
COUNSEL FOR COMPLAINANT
U.S. Environmental Protection Agency, Region 10