



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

In the Matter of:)
)
Veolia ES Technical)
Solutions, L.L.C.,) **Docket No. RCRA-02-2019-7106**
)
Respondent.)

**ORDER ON COMPLAINANT’S MOTION FOR
STAY OF PREHEARING EXCHANGE DEADLINES**

On March 5, 2019, I issued a Prehearing Order, scheduling certain prehearing filing deadlines in this proceeding. The Prehearing Order set the filing deadline for submission of a fully executed Consent Agreement and Final Order, as well as filing deadlines for the parties’ prehearing exchanges and dispositive and non-dispositive motions. By order issued on April 16, 2019, I extended these prehearing filing deadlines upon motion from Complainant representing that the parties were engaged in settlement negotiations and inclined to resolve this matter without further litigation. Notably, in granting an extension of these filing deadlines, I advised the parties that requests for repeated or prolonged extensions to filing deadlines on the basis of continued settlement negotiation may not be granted, and noted that the parties should plan deliberations accordingly.

On June 21, 2019, Complainant filed a Motion for Stay of Prehearing Exchange Deadlines (“Motion for Stay”), seeking to extend the filing deadlines for a Consent Agreement and Final Order and the parties’ prehearing exchanges by three weeks. Complainant asserts in the Motion for Stay that such an extension is warranted by the parties’ need to execute signatures to formalize a settlement agreement, which Complainant represents “essentially constitutes a ‘done deal’ but for the formality of securing the requisite signatures.” In the Motion for Stay, Complainant further indicates that Respondent does not object to extending the prehearing filing deadlines by two to three weeks.

The rules that govern this proceeding, set forth at 40 C.F.R. Part 22, authorize the Presiding Officer to grant an extension of time for filing of any document for good cause shown upon motion, after consideration of prejudice to the other parties. 40 C.F.R. § 22.7(b). In consideration of this, Complainant’s uncontested request for an extension of the prehearing filing deadlines for the purpose of obtaining signatures to formalize a settlement agreement supports some extension of the prehearing filing deadlines. However, based upon Complainant’s representations regarding the status of the settlement agreement in this matter, I find that the appropriate duration of such an extension is two weeks, rather than the three weeks requested. Accordingly, Complainant’s Motion for Stay is **GRANTED IN PART** and **DENIED IN PART**,

as set forth below. The prehearing filing deadlines are rescheduled as follows.

July 12, 2019	Consent Agreement and Final Order ¹
July 12, 2019	Complainant's Initial Prehearing Exchange
August 2, 2019	Respondent's Prehearing Exchange
August 16, 2019	Complainant's Rebuttal Prehearing Exchange

Joint motions for the appointment of a neutral, filed pursuant to Section 22.18(d)(3) of the Rules of Practice, will not be entertained prior to the deadline for Complainant's Rebuttal Prehearing Exchange, as extended by this Order, and shall be filed no later than seven days after that deadline. *Dispositive motions*, such as a motion for accelerated decision or motion to dismiss under Section 22.20(a) of the Rules of Practice, must be filed within 30 days after the due date for Complainant's Rebuttal Prehearing Exchange, as extended by this Order. *Non-dispositive motions*, such as motions for additional discovery, motions for subpoenas, and motions in limine, must be filed no later than 60 days prior to the scheduled hearing.

SO ORDERED.



Susan L. Biro
Chief Administrative Law Judge

Dated:

June 21, 2019
Washington, D.C.

¹ As addressed in the Order on Complainant's Motion for Extension of Time, dated April 16, 2019, the fully-executed Consent Agreement and Final Order shall be filed with the Regional Hearing Clerk, and a courtesy copy shall be filed with the Headquarters Hearing Clerk.

In the Matter of *Veolia ES Technical Solutions, L.L.C.*, Respondent.
Docket No. RCRA-02-2019-7106

CERTIFICATE OF SERVICE

I hereby certify that the foregoing **Order on Complainant's Motion for Stay of Prehearing Exchange Deadlines**, dated June 21, 2019, and issued by Chief Administrative Law Judge Susan L. Biro, was sent this day to the following parties in the manner indicated below.



Andrea Priest
Attorney Advisor

Original and One Copy by Personal Delivery to:

Mary Angeles, Headquarters Hearing Clerk
U.S. Environmental Protection Agency
Office of Administrative Law Judges
Ronald Reagan Building, Room M1200
1300 Pennsylvania Ave., NW
Washington, DC 20004

Copy by Electronic Mail to:

Lee A. Spielmann
Assistant Regional Counsel
Office of Regional Counsel
U.S. Environmental Protection Agency, Region 2
Email: spielmann.lee@epa.gov
For Complainant

Copy by Electronic and Regular Mail to:

John P. Schantz III,
Environmental, Health, and Safety Manager
Veolia ES Technical Solutions, L.L.C.
1 Eden Lane
Flanders, NJ 07836
Email: john.schantz@veolia.com
For Respondent

Dated: June 21, 2019
Washington, D.C.