



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

BEFORE THE ADMINISTRATOR

In the Matter of:
New Jersey Department of Corrections,
Respondent.
Docket No. RCRA-02-2014-7102
Dated: September 10, 2014

ORDER ON MOTION FOR EXTENSION OF TIME TO FILE PREHEARING EXCHANGES

The Prehearing Order issued in this proceeding set filing deadlines for the parties to submit their respective prehearing exchanges and to submit a report of the status of settlement negotiations. The due date for Complainant's prehearing exchange is September 19, 2014. Complainant filed a Motion for Extension of Time to File Prehearing Exchanges on September 9, 2014, requesting an additional 60 days for each party to file prehearing exchanges. Grounds stated in the Motion are the parties are discussing whether or not a Supplemental Environmental Project is feasible and need time to determine whether this matter can be settled and to negotiate a settlement agreement. The Motion represents that Respondent's counsel joins in the request.

The Rules of Practice governing this proceeding, 40 C.F.R. Part 22, provide at 40 C.F.R. § 22.7(b) that "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." A 60-day extension of time is relatively lengthy. Complainant has not described any particularly compelling circumstances necessitating such a long extension, and the parties may determine after a few weeks that settlement is not likely. In these circumstances, a 30-day extension of time is deemed sufficient.

For good cause shown, a 30-day extension is hereby granted. The due dates for the prehearing exchanges are extended as follows:

- Monday, October 20, 2014 Complainant's Initial Prehearing Exchange
Monday, November 17, 2014 Respondent's Prehearing Exchange
Monday, December 1, 2014 Complainant's Rebuttal Prehearing Exchange

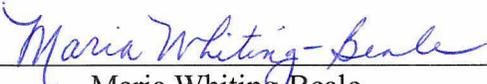
SO ORDERED.

M. Lisa Buschmann
Administrative Law Judge

In the Matter of State of New Jersey Department of Corrections, Respondent
Docket No. RCRA-02-2014-7102

CERTIFICATE OF SERVICE

I certify that copies of the foregoing **Order On Motion For Extension Of Time To File Pre-Hearing Exchanges**, dated September 10, 2014, was sent this day in the following manner to the addressees listed below:



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Staff Assistant

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Dated: September 10, 2014
Washington, DC