



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY BEFORE THE ADMINISTRATOR

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In the Matter of: )
Aylin, Inc., Rt. 58 Food Mart, Inc., )
Franklin Eagle Mart Corp., and )
Adnan Kiriscioglu, )
Respondents. )

Docket No. RCRA-03-2013-0039

ORDER ON COMPLAINANT'S MOTION FOR EXTENSION OF TIME

On April 7, 2014, Complainant filed a Response to Respondents' Consent Motion for Extension of Time and Motion for Extension of Time ("Motion"). Therein, Complainant first clarifies that it did not review Respondents' April 3, 2014 Consent Motion for Extension of Time before it was filed, despite Respondents' implications to the contrary.1 Second, Complainant asserts that Respondents disclosed "confidential settlement discussions between the parties" in paragraph 7 of their April 3 motion, and requests that the undersigned strike such language from the record and reiterate the prohibition against disclosing settlement terms in this proceeding. Third, Complainant requests an extension of time until May 20, 2014, to file its Rebuttal Prehearing Exchange ("RPE"), so that it may have sufficient time to review Respondents' discovery responses and include analysis of Respondents' ability to pay in its RPE. Complainant states that counsel for Respondents does not object to this extension request.

As to Complainant's concern about paragraph 7 in Respondents' Consent Motion for Extension of Time, the Prehearing Order specifically prohibits a party from including, attaching or referencing in filed documents "any terms" of settlement offers or agreements. I do not find the language in paragraph 7 sufficiently specific or descriptive to constitute settlement "terms" as contemplated in the Prehearing Order. However, the procedural rules that govern this proceeding, set forth at 40 C.F.R. Part 22 ("Rules of Practice"), provide that the presiding officer may "take all measures necessary for the maintenance of order and for the efficient, fair and impartial adjudication of issues arising" in proceedings before her. 40 C.F.R. § 22.4(c)(10). Accordingly, redaction here may be employed as a strict, albeit overly strict, safeguard of the

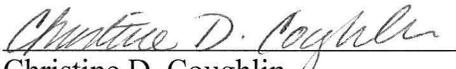
1 The parties are all reminded to be as clear as possible when stating the position of another party. Persons who appear before this Tribunal "must conform to the standards of conduct and ethics required of practitioners before the courts of the United States." 40 C.F.R. § 22.10.

fairness of this proceeding and the impartiality of the undersigned, particularly when no compelling reason exists to maintain the language in the record. Therefore, Complainant's request to strike paragraph 7 in Respondents' Consent Motion for Extension of Time is **GRANTED**.

As to Complainant's request for an extension of time, the Rules of Practice provide 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; or upon its own initiative." 40 C.F.R. § 22.7(b). Complainant argues that there is good cause for an extension because "the financial information needed to consider Respondents' ability to pay claims will not be available to Complainant until May 5, 2014, thus, Complainant will not have all the factual information required to propose a specific, and accurate, penalty amount by April 18, 2014." Further, Complainant argues, the brief extension sought will not prejudice Respondents. In accordance with 40 C.F.R. § 22.7(b), for good cause shown and with the consent of Respondents, Complainant's request for an extension of time is hereby **GRANTED**.

**ORDER**

1. All parties shall immediately redact from their records of this proceeding paragraph 7 of Respondents' Consent Motion for Extension of Time dated March 31, 2014, as that language is hereby removed from the record of this proceeding.
2. Complainant shall file its Rebuttal Prehearing Exchange on or before **May 20, 2014**.

  
Christine D. Coughlin  
Administrative Law Judge

Dated: April 10, 2014  
Washington, D.C.

**In the Matter of Aylin, Inc., RT. 58 Mart, Inc., Franklin Eagle Mart Corp., Adnan Kiriscioglu d/b/a New Jersey Petroleum Organization a/k/a NJPO, Respondents.**  
**Docket No. RCRA-03-2013-0039**

CERTIFICATE OF SERVICE

I hereby certify that the foregoing **Order On Complainant's Motion For Extension Of Time**, dated April 10, 2014, was sent this day in the following manner to the addressees listed below.

  
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**Dated: April 10, 2014**  
**Washington, D.C.**