



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

In the Matter of:)
)
Clean Harbors Buttonwillow, L.L.C.,) **Docket No. RCRA-09-2015-0011**
)
Respondent.)

**ORDER ON JOINT MOTION FOR CONTINUANCE
OF DEADLINE FOR SUBMITTAL OF STIPULATIONS**

On September 30, 2015, the U.S. Environmental Protection Agency (“Agency”), Region IX (“Complainant”), initiated this proceeding by filing a Determination of Violation, Compliance Order and Notice of Right to Request a Hearing against Clean Harbors Buttonwillow, L.L.C. (“Respondent”). Respondent subsequently filed an Answer and Request for Hearing on November 5, 2015.

By Order of Designation dated December 8, 2015, Chief Administrative Law Judge Susan L. Biro was designated to preside over the litigation of this proceeding. On December 16, 2015, Judge Biro issued a Prehearing Order establishing deadlines for the parties to engage in a prehearing exchange of information. Following the parties’ prehearing exchange, Judge Biro issued a Notice of Hearing Order that set deadlines for a number of prehearing procedures – namely, the filing of a status report regarding the status of any settlement negotiations between the parties, a Joint Set of Stipulated Facts, Exhibits, and Testimony (“Joint Stipulations”), and prehearing briefs – and then scheduled the hearing in this matter to commence on June 13, 2016. I was thereafter designated to preside over this proceeding.

Pursuant to Judge Biro’s Notice of Hearing Order, Complainant filed a Settlement Conference Status Report on April 15, 2016. Therein, Complainant represents that the parties have been engaged in settlement discussions and that the parties scheduled a meeting for April 28, 2016, to endeavor to reach an agreement-in-principle. On May 2, 2016, a staff attorney for this Tribunal communicated with counsel for the parties regarding the status of their settlement discussions. In response, counsel for the Agency advised that she and counsel for Respondent were optimistic that the parties would be able to finalize a consent agreement and final order by May 13, 2016. Counsel for Respondent thereafter concurred with this representation.

On May 12, 2016, the parties filed a Joint Motion for Continuance of Deadline for Submittal of Stipulations of Fact, Exhibits, and Testimony (“Joint Motion”), in which the parties

seek an extension of the deadline for Joint Stipulations from May 13 to May 27, 2016. As support for this request, the parties represent that while they were “working diligently” on the preparation of Joint Stipulations, they ultimately “devote[d] their entire effort to the settlement process” because of “the substantial progress that was being made on the settlement front.” The parties further represent that they are negotiating the final terms of their draft consent agreement and final order and that they “fully anticipate” that they will obtain all of the necessary signatures on that document by May 27, 2016. Finally, the parties represent that they are prepared to adhere to the May 27, 2016 deadline for the filing of prehearing briefs “[i]n the highly unlikely event that settlement efforts cannot be successfully concluded.”

The procedural 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 the filing of 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). As noted in the Prehearing Order, Agency policy supports settlement of a proceeding without the necessity of a formal hearing. *See* 40 C.F.R. § 22.18(b)(1). Undoubtedly, the interests of the parties and judicial economy are best served by the parties resolving this matter informally and expeditiously. Thus, the Joint Motion shows good cause, and because it is also agreed upon by the parties, granting the requested extension is appropriate. Accordingly, the Joint Motion is hereby **GRANTED**. The parties shall file their Joint Stipulations no later than May 27, 2016, unless this matter is concluded by a fully executed and filed consent agreement and final order on or before that date.

SO ORDERED.

Christine Donelian Coughlin
Administrative Law Judge

Dated: May 16, 2016
Washington, D.C.

In the Matter of **Clean Harbors Buttonwillow, L.L.C.**, Respondent, Docket No. RCRA-09-2015-0011

CERTIFICATE OF SERVICE

I hereby certify that the foregoing Order on Joint Motion for Continuance of Deadline for Submittal of Stipulations, dated May 16, 2016, was sent this day in the following manner to the addresses listed below.

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Dated: May 16, 2016
Washington, D.C.