



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

In the Matter of:	)	
	)	
Pepperell, LLC,	)	Docket No. CWA-01-2026-0030
	)	
Respondent.	)	

ORDER DENYING THIRD MOTION FOR EXTENSION OF TIME

By Order dated August 4, 2026, the deadlines for the prehearing exchange of information in this matter were extended for the second time.¹ See Order on [Second] Motion for Extension of Time. That Order counseled that “the parties should be mindful that the Tribunal does not anticipate granting further extensions of time absent (i) an agreement in principle that requires additional time to complete requisite administrative processes, or (ii) other extraordinary circumstances. The parties are advised to proceed accordingly.” Order on [Second] Motion for Extension of Time at 1.

On September 30, 2026, Complainant filed a Status Report & Joint Motion for Extension of Time (“Motion”).² In the Motion, Complainant reports that the parties have not reached a settlement, as Complainant rejected Respondent’s settlement offer put forward on September 9, 2026. Mot. at 1. Complainant conveys that the parties’ next settlement conference is October 7, 2026. Mot. at 2. Complainant also relates that “Respondent’s financial information gathered to date” was transferred to a third-party contractor for an ability-to-pay analysis on September 30, 2026. Mot. at 1-2. Further, Complainant notes that, after receiving the third-party contractor’s preliminary findings, “additional information may be requested from Respondent.” Mot. at 2. Complainant also informs the Tribunal that Complainant’s counsel will be traveling internationally in October and November and will not be able to access EPA equipment. Mot. at 2. Complainant moreover states that “Respondent’s counsel represents that he will be working with his client towards resolving an outstanding compliance issue during this time.” Mot. at 2. Complainant concludes by requesting that the deadlines for the prehearing exchange of information be extended by 90 days. Mot. at 2.

¹ The Order on [Second] Motion for Extension of Time shifted the prehearing exchange deadlines by 60 days. Previously, the Order on [First] Request for Extension of Time, issued May 6, 2026, extended the prehearing exchange deadlines by 90 days.

² Even though styled as a Joint Motion, the document is only signed by Complainant’s counsel. Complainant does state that the Motion is submitted with the consent of Counsel for Respondent. Mot. at 2.

The Consolidated Rules governing this matter specify 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 [his] own initiative.” 40 C.F.R. § 22.7(b). I find that **good cause has not been shown**. Status Reports were filed June 1, 2026; July 1, 2026; July 31, 2026; and September 1, 2026; these Status Reports revealed that Respondent had not supplied all the financial information Complainant requested. Complainant’s use of the phrase “gathered to date” (see Mot. at 1) in its Motion suggests that Respondent still has not furnished all the necessary information for a complete ability-to-pay analysis. Furthermore, these Status Reports also demonstrated that a compliance-related document had not been provided to Complainant. That Respondent is going to work with its counsel to resolve an outstanding compliance issue in the near future (see Mot. at 2) hints that no progress has been made on this issue, either. Nothing in the Motion evinces good cause for an additional extension of deadlines.

Moreover, as emphasized earlier, the parties were cautioned that additional extensions of time were unlikely without an agreement in principle or extraordinary circumstances. See Order on [Second] Motion for Extension of Time at 1. Complainant’s recitation of the parties’ developments in the Motion makes clear that (i) there is no agreement in principle and (ii) extraordinary circumstances do not exist.

Based on the above, the Motion is **DENIED**.

The parties may continue their settlement negotiations while preparing their prehearing exchange documents. For the parties’ convenience, the deadlines for the prehearing exchange of information are reproduced here:

October 19, 2026	Complainant’s Initial Prehearing Exchange
November 9, 2026	Respondent’s Prehearing Exchange
November 23, 2026	Complainant’s Rebuttal Prehearing Exchange

The parties are reminded that any other deadline set by the Prehearing Order, such as the deadline for filing dispositive motions, remains as previously adjusted by the Order dated August 4, 2026.

SO ORDERED.



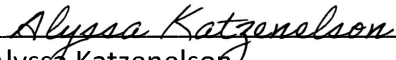
Michael B. Wright
Chief Administrative Law Judge

Dated: October 1, 2026
Washington, D.C.

In the Matter of *Pepperell, LLC*, Respondent.
Docket No. CWA-01-2026-0030

CERTIFICATE OF SERVICE

I hereby certify that the foregoing **Order Denying Third Motion for Extension of Time**, dated October 1, 2026, and issued by Chief Administrative Law Judge Michael B. Wright, was sent this day to the following parties in the manner indicated below.


Alyssa Katzenelson
Staff Attorney

Copy by ALJD E-Filing System to:
U.S. Environmental Protection Agency
Administrative Law Judges Division
<https://yosemite.epa.gov/OA/EAB/EAB-ALJ Upload.nsf>

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For Respondent

Dated: October 1, 2026
Washington, D.C.