



UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
BEFORE THE ADMINISTRATOR

In the Matter of:)
)
Andrew B. Chase, a/k/a Andy Chase,)
Chase Services, Inc., Chase Convenience) Docket No. RCRA-02-2011-7503
Stores, Inc., and Chase Commercial)
Land Development, Inc.,)
)
Respondents.)

**ORDER ON COMPLAINANT'S MOTION TO EXTEND DEADLINE FOR FILING
DISPOSITIVE MOTIONS**

A Prehearing Order was issued in this matter on July 12, 2011. Certain prehearing deadlines set therein were extended upon motion by orders dated July 18, 2011, August 16, 2011, and October 11, 2011. On December 22, 2011, the undersigned granted Complainant's motion for an extension of time to file dispositive motions, ordered that they shall be filed on or before February 3, 2012, and set deadlines of February 17, 2012, and March 2, 2012, for Complainant to file status reports. The same order extended the filing deadline to March 16, 2012, for non-dispositive prehearing motions, to March 23, 2012, for the parties' Joint Set of Stipulated Facts, Exhibits and Testimony, and to March 30, 2012, for prehearing briefs. The undersigned rescheduled the hearing to begin on Tuesday, June 12, 2012, in Plattsburgh, New York, by order dated January 5, 2012.

On January 30, 2012, Complainant filed an Expedited Motion to Extend Deadline for Filing Dispositive Motions ("Motion") and an Addendum thereto, wherein Complainant moves the undersigned to further extend the deadline for dispositive motions by one week, to February 10, 2012. Complainant's Motion states that the extension is sought so that its dispositive motion "may adequately and comprehensively address the many issues . . . involved . . . in a case consisting of 21 counts . . . six service stations, eight separate inspections, two declarations from EPA witnesses . . . [and] a complaint containing over 300 separately numbered allegations." Motion at 4. If Complainant's dispositive motion succeeds, if only in part, Complainant argues, the issues may be narrowed and the hearing may be expedited. *Id.* Finally, Complainant argues in the Motion, Respondents will not be prejudiced, as they have been aware that Complainant intends to file a dispositive motion "since mid-December." *Id.* Complainant attests in the Addendum to the Motion that Respondents' counsel has to objection to the extension sought. Addendum at 1-2.

For good cause shown, and in accordance with 40 C.F.R. § 22.7(b), Complainant's uncontested Motion is **GRANTED**. The deadline for dispositive motions set forth in the Notice of Hearing and Scheduling Order and Order on Motion to Extend Filing Deadline for Dispositive Motions, issued December 22, 2011, is hereby extended to **Friday, February 10, 2012**.

A handwritten signature in black ink, appearing to read 'S. Biro', written over a horizontal line.

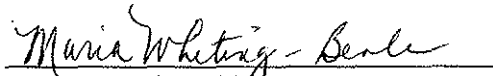
Susan L. Biro
Chief Administrative Law Judge

Date: January 31, 2012
Washington, D.C.

In the Matter of Andrew B. Chase, a/k/a Andy Chase, Chase Services, Inc., Chase Convenience Stores, Inc. and Chase Commercial Land Development, Inc., Respondents
Docket No. RCRA-02-2011-7503

CERTIFICATE OF SERVICE

I certify that the foregoing **Order On Complainant's Motion To Extend Deadline For Filing Dispositive Motions**, dated January 31, 2012, was sent this day in the following manner to the addressees listed below.



Maria Whiting-Beale
Staff Assistant

Dated: January 31, 2012

Original And One Copy By Regular Mail To:

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