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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
BEFORE THE ADMINISTRATOR

<p>IN THE MATTER OF:</p> <p>RHONE- POULENC</p> <p>RHONE- POULENC BASIC CHEMICALS DIVISION</p> <p style="text-align: center;">Respondent</p>	<p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p>	<p>Docket No. 5-EPCRA-97-053</p>
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ORDER GRANTING JOINT MOTION FOR EXTENSION OF TIME
AND GRANTING MOTION TO AMEND COMPLAINT

On February 6, 1998, the parties filed a Joint Motion For Extension of Time to file Complainant's prehearing exchange, due February 16, 1998. In support of this motion, the parties state that upon filing of its answer, Respondent also filed a Motion to Dismiss thirty-six of the Complaint's eighty-one counts on the basis of the statute of limitations and counts alleging less than threshold quantities. Complainant has responded to the Motion to dismiss and those arguments are now pending with the Court.

Simultaneous with the filing of the Joint Motion For Extension, Complainant filed a Motion to Amend the Complaint by striking thirty-seven of the eighty-one counts contained in the Complaint. (1) Fifteen of the thirty-seven counts which Complainant seeks to strike from the Complaint are also subject to the Motion to Dismiss. Therefore, of the original eighty-one counts, Complainant seeks to amend the Complaint to strike thirty-seven counts, and twenty-one counts are still subject to the Motion to Dismiss.

Since the parties are working diligently toward resolution of the multitude of counts contained in the Complaint, and because it would be a more efficient use of time and energy to devote attention to the resolution of the remaining counts, the

JOINT MOTION FOR AN EXTENSION IS GRANTED. ACCORDINGLY, THE COURT'S SCHEDULING ORDER OF DECEMBER 12, 1998, IS SUSPENDED UNTIL A TIME 60 DAYS AFTER THE COURT'S DECISION ON THE PENDING MOTION TO DISMISS.

SIMILARLY, COMPLAINANT'S MOTION TO AMEND THE COMPLAINT, WHICH IS UNOPPOSED BY RESPONDENT, IS GRANTED, AS SET FORTH IN THIS ORDER.

Stephen J. McGuire

Administrative Law Judge

Dated: February 9, 1998
Washington, D.C.

1. Complainant moves to amend its Complaint by striking the following counts and the corresponding civil penalties associated with each count (found at page 89 through 105 of the Complaint):

COUNT	PROPOSED CIVIL PENALTY
Count 2, II	\$ 17,000
Count 16, XVI	17,000
Count 18, XVIII	10,000
Count 19, XIX	10,000
Count 20, XX	10,000
Count 21, XXI	15,000
Count 22, XXII	10,000
Count 23, XXIII	10,000
Count 24, XXIV	10,000
Count 25, XXV	10,000
Count 26, XXVI	15,000
Count 27, XXVII	15,000
Count 39, XXXIX	1,300
Count 40, XL	1,300
Count 43, XLIII	17,000
Count 47, XLVII	10,000
Count 48, XLVIII	10,000
Count 49, XLIX	10,000
Count 50, L	10,000
Count 51, LI	10,000
Count 52, LII	15,000
Count 53, LIII	15,000
Count 54, LIV	10,000
Count 55, LV	10,000
Count 56, LVI	10,000
Count 57, LVII	15,000
Count 58, LVIII	15,000
Count 59, LIX	10,000
Count 60, LX	10,000
Count 61, LXI	10,000
Count 62, LXII	15,000
Count 69, LIX	6,000
Count 75, LXXV	1,300
Count 77, LXXVII	1,300
Count 78, LXXVIII	1,300
Count 79, LXXIX	1,300
Count 80, LXXX	1,300
	TOTAL \$366,100

Complainant thus seeks to amend the total proposed penalty to \$272,300 from \$638,400 (page 105 of the Complaint).



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