



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

In the Matter of:)
)
Borla Performance Industries, Inc.,) **Docket No. CAA-09-2020-0044**
)
Respondent.)

ORDER ON COMPLAINANT’S UNOPPOSED MOTION FOR EXTENSION OF TIME


On March 23, 2022, the undersigned issued a Hearing Order that scheduled the hearing to begin on July 25, 2022, and set certain prehearing filing deadlines. *See* Notice of Hearing Order. On May 11, 2022, the Director of the Enforcement and Compliance Assurance Division of the U.S. Environmental Protection Agency, Region 9 (“Complainant”) filed an Unopposed Motion for Extension of Time (“Motion”). In its Motion, Complainant reports that “the Parties have reached an agreement in principle for settlement with respect to penalty for the violations alleged in the Second Amended Complaint.” Mot. at 1. Complainant asserts that “the Parties need additional time to negotiate the final terms for the [Consent Agreement and Final Order (“CAFO”)] and have the CAFO go through final management review and signature.” Mot. at 1. As a consequence, Complainant requests that two upcoming deadlines—that for filing non-dispositive motions such as motions in limine, set for May 20, 2022, and that for supplementing a prehearing exchange without a motion, set for May 27, 2022—be extended by three weeks. Mot. at 1. Complainant relates that Borla Performance Industries, Inc. (“Respondent”) does not oppose this Motion. Mot. at 1.

Under the Consolidated Rules of Practice governing this proceeding, set out at 40 C.F.R. Part 22, the Presiding Officer is authorized to “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[.]” 40 C.F.R. § 22.7(b). Complainant declares that “this motion is timely, that there is good cause to grant this motion as settlement of this Proceeding without further resources being expended by the Parties and the Tribunal are in the interest of judicial economy, and that there is no prejudice to Respondent.” Mot. at 2. I agree. The Motion is **GRANTED**. The pertinent deadlines are now as follows:

Motions. Non-dispositive motions, such as motions for additional discovery, motions for subpoenas, and motions in limine, shall be filed no later than **June 10, 2022**. Similarly, a party seeking to supplement its prehearing exchange may do so only by motion after **June 17, 2022**. Belated supplements to a party’s prehearing exchange may be excluded from evidence at the undersigned’s discretion.

Any other deadline set by the Hearing Order is unchanged.

SO ORDERED.



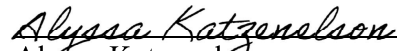
Susan L. Biko
Chief Administrative Law Judge

Dated: May 11, 2022
Washington, D.C.

In the Matter of *Borla Performance Industries, Inc.*, Respondent.
Docket No. CAA-09-2020-0044

CERTIFICATE OF SERVICE

I hereby certify that the foregoing **Order on Complainant's Unopposed Motion for Extension of Time**, dated May 11, 2022, and issued by Chief Administrative Law Judge Susan L. Biro, was sent this day to the following parties in the manner indicated below.



Alyssa Katzenelson

Attorney-Advisor

Copy by OALJ E-Filing System to:

Mary Angeles, Headquarters Hearing Clerk
U.S. Environmental Protection Agency
Office of Administrative Law Judges
Ronald Reagan Building, Room M1200
1300 Pennsylvania Ave. NW
Washington, DC 20004

Copy by Electronic Mail to:

Sylvia Quast, Regional Counsel
Nathaniel Moore, Attorney-Advisor
U.S. Environmental Protection Agency, Region 9
Email: quast.sylvia@epa.gov
Email: moore.nathaniel@epa.gov
For Complainant

Mark Palermo, Attorney-Advisor
U.S. Environmental Protection Agency, Office of Civil Enforcement
Email: palermo.mark@epa.gov
For Complainant

Erik S. Jaffe
Schaerr | Jaffe LLP
Email: ejaffe@schaerr-jaffe.com
For Respondent

Kent Mayo
Julie A. Cress
Baker Botts L.L.P.
Email: kent.mayo@bakerbotts.com
Email: julie.cress@bakerbotts.com
For Respondent

Dated: May 11, 2022
Washington, D.C.