



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

In the Matter of:)
)
Aylin, Inc., Rt. 58 Food Mart, Inc.,) **Docket No. RCRA-03-2013-0039**
Franklin Eagle Mart Corp.,)
Adnan Kiriscioglu d/b/a New Jersey Petroleum)
Organization a/k/a NJPO,)
5703 Holland Road Realty Corp.,)
8917 South Quay Road Realty Corp., and)
1397 Carrsville Highway Realty Corp.)
)
Respondents.)

ORDER SETTING EXPEDITED BRIEFING SCHEDULE

Pursuant to this Tribunal’s Orders of November 5, 2013, and August 10, 2015, the parties have filed their prehearing exchanges in this matter. They have also supplemented their prehearing exchanges by leave of this Tribunal. On March 25, 2016, Complainant filed another Motion for Leave to File Supplemental Prehearing Exchange (“Motion”), in which Complainant seeks leave to add one proposed witness, Respondent Adnan Kiriscioglu, and 13 proposed exhibits, a number of which purportedly contain confidential business information and/or personally identifiable information, to its prehearing exchange. Counsel for Respondents notified a staff attorney for this Tribunal on March 28, 2016, that Respondents received “the paper copy of Complainant’s prehearing exchange” and will likely file an opposition to the Motion.

This proceeding is governed by the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits (“Rules of Practice”), set forth at 40 C.F.R. Part 22. The Rules of Practice establish a timetable for motion practice by directing parties to file any response to a written motion within 15 days after service of such motion and to file any reply to a written response within 10 days after service of such response. 40 C.F.R. § 22.16(b). The Rules of Practice further provide that the Presiding Officer “may set a shorter or longer time for response or reply, or make other orders concerning the disposition of motions.” *Id.* Additionally, the Rules of Practice authorize the Presiding Officer to “take all measures necessary for the . . . efficient, fair and impartial adjudication of issues.” 40 C.F.R. §§ 22.4(c) and (c)(10).

The hearing in this matter is scheduled to commence on April 25, 2016. Based upon the

timetable for motion practice established by the Rules of Practice, the instant Motion conceivably would not be fully briefed until shortly before the hearing is scheduled to begin, which would leave insufficient time for this Tribunal to consider the parties' arguments and issue a ruling and for the parties to prepare for the hearing accordingly. Because of these time constraints, and pursuant to the authority imparted to this Tribunal by the Rules of Practice, I hereby establish the following expedited briefing schedule for the Motion:¹

Respondents' response to the Motion **April 6, 2016**

Complainant's reply to Respondents' response **April 11, 2016**

If any party does not intend to file a response or reply as permitted above, it shall notify Jennifer Almase, a staff attorney for this Tribunal, at almase.jennifer@epa.gov or (202) 564-1170.

SO ORDERED.



Christine Donelian Coughlin
Administrative Law Judge

Dated: March 29, 2016
Washington, D.C.

¹ This briefing schedule takes into consideration that a number of the exhibits that Complainant seeks to add to its prehearing exchange have been treated in a confidential manner, which prolongs the transmission of those exhibits, and that Complainant, as the proponent of the Motion, is likely to need less time to prepare a reply to any response filed by Respondents.

Docket No. RCRA-03-2013-0039

In the Matter of Aylin, Inc., Rt. 58 Food Mart, Inc., Franklin Eagle Mart Corp., Adnan Kiriscioglu d/b/a New Jersey Petroleum Organization a/k/a NJPO, 5703 Holland Road Realty Corp., 8917 South Quay Road Realty Corp., and 1397 Carrsville Highway Realty Corp., Respondents.

CERTIFICATE OF SERVICE

I hereby certify that the foregoing Order Setting Expedited Briefing Schedule, dated March 29, 2016, was sent this day in the following manner to the addressees listed below.

Mary Angeles
Paralegal

Original and One Copy by Hand Delivery to:

Sybil Anderson
Headquarters Hearing Clerk
U.S. EPA / Office of Administrative Law Judges
Mail Code 1900R
1200 Pennsylvania Ave., NW
Washington, DC 20460

One Copy by Electronic and Regular Mail to:

Janet E. Sharke, Esq.
Sr. Assistant Regional Counsel
Louis Ramalho, Esq.
Assistant Regional Counsel
ORC, U.S. EPA, Region III
1650 Arch Street
Philadelphia, PA 19103-2029
Email: sharke.janet@epa.gov
Email: ramalho.louis@epa.gov

Jeffrey L. Leiter, Esq.
Bassman, Mitchell, Alfano, & Leiter, Chartered
1707 L Street, NW, Suite 560
Washington, DC 20036
Email: jleiter@bmalaw.net

Dated: March 29, 2016
Washington, D.C.