



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

BEFORE THE ADMINISTRATOR

In the Matter of:
Henrico County, Virginia,
Respondent
Docket No. CWA-03-2011-0139

ORDER ON JOINT MOTION FOR 10 DAY EXTENSION OF TIME

This action was initiated on April 6, 2011, when Complainant filed an Administrative Penalty Complaint and Notice of Opportunity to Request Hearing with the Office of the Regional Hearing Clerk. Respondent's Prehearing Exchange is currently due on April 19, 2012. On April 18, 2012, the Office of Administrative Law Judges received a Joint Motion for 10 Day Extension of Time ("Motion").

In the Motion, Respondent requests that the deadlines set forth in the undersigned's most recent Scheduling Order, dated March 20, 2012, be extended by 10 days. Respondent states in the Motion that on April 10, 2012, the Henrico County Board of Supervisors approved the settlement and authorized the County Manager to execute a Consent Agreement and Final Order ("CAFO"). Motion ¶ 2. The County Manager then gave its designee permission to sign the CAFO, and the designee did sign the CAFO for Respondent on April 13, 2012. Motion ¶ 3. Respondent provided the signed CAFO to Complainant electronically immediately thereafter, and sent the paper documents to Complainant via courier on April 16, 2012. Motion ¶ 4. Counsel for Complainant estimates that EPA's Regional Administrator will approve the CAFO no later than April 25, 2012. Motion ¶ 7. Respondent argues that the existence of a signed settlement agreement obviates the need for it to file Prehearing Exchange. Motion ¶ 9. It therefore requests that the current filing deadlines be extended to allow the Regional Administrator time to approve the CAFO. Motion at 2. Respondent states that Complainant supports the Motion. Motion ¶ 10.

The Rules of Practice empower a presiding Administrative Law Judge to extend the deadline "for filing any document: upon timely motion of a party . . . , for good cause shown, and after consideration of prejudice to other parties; or upon its own initiative." 40 C.F.R. § 22.7(b). Agency policy strongly supports settlement. 40 C.F.R. § 22.18(b). Because Respondent has signed a CAFO that fully resolves this matter, there is good cause to extend the filing deadlines. The request for an extension is therefore GRANTED. To ensure that the Regional Administrator has sufficient time to review and approve the CAFO, the current deadlines are extended by 22 days. The revised deadlines are as follows:


May 11, 2012

Respondent's Prehearing Exchange

May 25, 2012

Complainant's Rebuttal Prehearing Exchange.

**SO ORDERED.**

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


Susan L. Biro  
Chief Administrative Law Judge

Dated: April 19, 2012  
Washington, D.C.

In the Matter of Henrico County, Virginia, Respondent  
Docket No. CWA-03-2011-0139

CERTIFICATE OF SERVICE

I certify that the foregoing **Order On Joint Motion For 10 Day Extension Of Time**, dated April 19, 2012, was sent this day in the following manner to the addressees listed below:

  
\_\_\_\_\_  
Maria Whiting-Beale  
Staff Assistant

Dated: April 19, 2012

Original And One Copy By Regular Mail To:

Lydia A. Guy  
Regional Hearing Clerk (3RC00)  
U.S. EPA  
1650 Arch Street  
Philadelphia, PA 19103-2029

Copy By Regular Mail And Facsimile To:

Pamela J. Lazos, Esquire  
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