



UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY

BEFORE THE ADMINISTRATOR

In the Matter of:)
)
New Jersey Department of Corrections,) Docket No. RCRA-02-2014-7102
)
Respondent.) Dated: October 17, 2014

ORDER ON MOTION FOR EXTENSION OF TIME
TO FILE PREHEARING EXCHANGES

The Prehearing Order issued in this proceeding set filing deadlines for the parties to submit their respective prehearing exchanges and report on the status of settlement negotiations. An Order issued September 10, 2014, granted a 30 day extension to allow the parties to ascertain the feasibility of a Supplemental Environmental Project and negotiate a settlement agreement. The due date for Complainant’s prehearing exchange is currently October 20, 2014.

On October 15, 2014, Complainant filed a motion requesting an additional 30 days for each party to file prehearing exchanges. Grounds stated in this motion are that the parties’ have made significant progress toward settlement and both parties are currently reviewing a draft Consent Agreement and Final Order (“CAFO”). The motion represents that Respondent’s counsel joins in this extension request.

The Rules of Practice governing this proceeding, 40 C.F.R. Part 22, provide at 40 C.F.R. § 22.7(b) that “the Presiding Officer may 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.” Given the status of settlement in this matter there is good cause to grant the requested 30-day extension.

Therefore, the motion is hereby GRANTED and the deadlines for the prehearing exchanges are extended as follows:

- Wednesday, November 19, 2014 Complainant’s Initial Prehearing Exchange
- Wednesday, December 17, 2014 Respondent’s Prehearing Exchange
- Wednesday, December 31, 2014 Complainant’s Rebuttal Prehearing Exchange

SO ORDERED.

Lisa Busch

M. Lisa Buschmann
Administrative Law Judge

In the Matter of New Jersey Department of Corrections, Respondent
Docket No. RCRA-02-2014-7102

CERTIFICATE OF SERVICE

I certify that copies of the foregoing **Order On Motion For Extension Of Time To File Pre-Hearing Exchanges**, dated October 17, 2014, was sent this day in the following manner to the addressees listed below:



Maria Whiting-Beale
Staff Assistant

Original And One Copy To:

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

Copy By Regular Mail And Electronic Mail To:

Carl Howard, Esquire
Assistant Regional Counsel
U.S. EPA
290 Broadway, 16th Floor
New York, NY 10007-1866
howard.carl@epa.gov

Melinda S. Haley, Esquire
Special Legal Advisor
Office of the Commissioner
State of New Jersey
Department of Corrections
P.O. Box 863
Trenton, NJ 08625-0863
melinda.haley@doc.state.nj.us

Dated: October 17, 2014
Washington, DC