

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY BEFORE THE ADMINISTRATOR

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In the Matter of:)		6	-
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Edward and Theresa Washines,)	Docket No. RCRA-10-	2014-0100	
Da Stor at Lillie's Corner,)		Ċ	
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Respondents.)			
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ORDER ON COMPLAINANT'S UNOPPOSED MOTION FOR EXTENSION OF TIME TO FILE PREHEARING EXCHANGES

The United States Environmental Protection Agency ("Agency"), Region 10 ("Complainant"), initiated this proceeding on April 30, 2014, by filing a Complaint, Compliance Order, and Notice of Opportunity for Hearing ("Complaint") against Edward and Theresa Washines, Da Stor at Lillie's Corner ("Respondents"). On July 2, 2014, Respondents, through counsel, filed an Answer to the Complaint and requested a hearing on the charges against it.

By Prehearing Order dated August 26, 2014, I established deadlines for a number of prehearing procedures, including a settlement conference and a prehearing exchange of information by the parties. On September 5, 2014, Complainant filed a Status Report with regard to ongoing settlement negotiations between the parties. Also on September 5, 2014, Complainant filed an Unopposed Motion for Extension of Time ("Motion") to file the prehearing exchanges in this matter. In the Motion, Complainant requests a three-week extension of the filing deadlines for the prehearing exchanges of information by the parties due to planned nuptials of counsel for Complainant on September 9, 2014 and unavailability "from September 8, 2014 through September 28, 2014." Complainant submits "the requested extension of time will not cause prejudice or harm to Respondent[s] in any way." In its Motion, Complainant states that counsel for Respondents was contacted and "does not oppose 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, 40 C.F.R. §§ 22.1–22.45 ("Rules of Practice"). Section 22.7(b) of the Rules of Practice authorizes the undersigned to grant extensions 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). Upon consideration, I conclude that good cause has been shown for the requested extension of the filing deadlines established by the Prehearing Order. In addition, as has been noted, Respondents do not oppose the requested extension.

Thus, for good cause shown and after consideration of any prejudice, the Motion is hereby **GRANTED**. The filing deadlines for the parties' prehearing exchange are extended, as follows:

October 24, 2014

Complainant's Initial Prehearing Exchange

November 14, 2014

Respondent's Prehearing Exchange

December 5, 2014

Complainant's Rebuttal Prehearing Exchange

Should the parties reach a settlement, a fully-executed Consent Agreement and Final Order shall be filed with the Regional Hearing Clerk, and a copy shall be served on the undersigned, in lieu of Complainant's Initial Prehearing Exchange on or before October 24, 2014.

SO ORDERED.

Christine D. Coyh Oc -Christine D. Coughlin

Administrative Law Judge

Dated: September 9, 2014 Washington, D.C. In the Matter of *Edward and Theresa Washines, Da Stor at Lillie's Corner*, Respondent. Docket No. RCRA-10-2014-0100

CERTIFICATE OF SERVICE

I hereby certify that true copies of this **Order on Complainant's Unopposed Motion for Extension of Time to File Prehearing Exchanges,** issued by Christine D. Coughlin, Administrative Law Judge, were sent to the following parties on this 9th day of September 2014, in the manner indicated:

Mary Angeles Legal Assistant

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

Copy by Electronic and Regular Mail to:

Chris Bellovary, Esq. Assistant Regional Counsel U.S. EPA, Region X 1200 South Avenue, Suite 900 Seattle, WA 981-1-3140 Email: bellovary.chris@epa.gov

Thomas Zeilman, Esq. 402 E. Yakima Ave., Ste. 710 P.O. Box 34 Yakima, WA 98907 Email: tzeilman@qwestoffice.net

Dated: September 9, 2014 Washington, DC