

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY

BEFORE THE ADMINISTRATOR

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In the Matter of:)
)
 Summit Inc.,) Docket No. RCRA-05-2014-0006
)
)
 Respondent) Dated: August 14, 2014

**ORDER ON RESPONDENT'S MOTION FOR ENLARGEMENT OF TIME
TO FILE PRE-HEARING SUBMISSION**

This proceeding, involving allegations of violations arising under Section 3008 of the Solid Waste Disposal Act, as amended, also known as the Resource Conservation and Recovery Act, 42 U.S.C. § 6928(a), is governed by the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation or Suspension of Permits, 40 C.F.R. Part 22 ("Procedural Rules"). On June 10, 2014, a prehearing order was issued setting filing deadlines for the parties' respective prehearing exchanges, pursuant to 40 C.F.R. § 22.19(a). Complainant timely submitted its initial prehearing exchange.

Respondent's prehearing exchange was due on August 8, 2014. On that date, Respondent's counsel filed a Motion for Enlargement of Time to File Pre-Hearing Submission ("Motion"), requesting an additional 60 days to file its prehearing exchange. The Motion notes that Respondent only recently retained counsel, has been diligently compiling material for its prehearing exchange, and is currently searching for additional documentation to include. Further, Respondent states the requested extension will provide it time to formulate a settlement offer. The Motion represents that EPA counsel do not object to the requested extension.

The Procedural Rules at 40 C.F.R. § 22.7(b) provide 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." Although the Motion was not filed "sufficiently in advance of the due date" (*id.*), good cause for an extension exists and opposing counsel does not object. However, a 60-day extension of time appears too lengthy here in the absence of any particularly compelling circumstances. According to the parties' Joint Status Report, filed June 26, 2014, Respondent's attorney was involved with the case and engaged in preliminary settlement negotiations prior to that date.

Further, after filing an initial prehearing exchange, the filing of a supplemental prehearing exchange may be authorized under 40 C.F.R. § 22.19(f) and the Prehearing Order, provided that a motion to supplement is filed and granted. Thus, under the current circumstances of this case, a 30-day extension of time is deemed sufficient.

For good cause shown, a 30-day extension is hereby granted. The revised due dates for the prehearing exchanges are now as follows:

September 8, 2014 - Respondent's Prehearing Exchange, including any direct and/or rebuttal evidence

September 22, 2014 - Complainant's Rebuttal Prehearing Exchange

SO ORDERED.

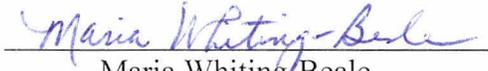


M. Lisa Buschmann
Administrative Law Judge

In the Matter of Summit, Inc., Respondent
Docket No. RCRA-05-2014-0006

CERTIFICATE OF SERVICE

I certify that copies of the foregoing **Order On Respondent's Motion For Enlargement Of Time To File Pre-Hearing Submission**, dated August 14, 2014, was sent this day in the following manner to the addressees listed below:



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Dated: August 14, 2014
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