



UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
BEFORE THE ADMINISTRATOR

In the Matter of:)
)
Cutting Edge Enterprises, Inc.,) Docket No. CAA-05-2024-0004
)
Respondent.)

ORDER GRANTING IN PART AND DENYING IN PART
JOINT MOTION FOR AN EXTENSION OF TIME

This proceeding was initiated on April 30, 2024, with the filing of a Complaint by Complainant, the Director of the Enforcement and Compliance Assurance Division of Region 5 of the U.S. Environmental Protection Agency, against Respondent Cutting Edge Enterprises, Inc., pursuant to Section 205(c)(1) of the Clean Air Act, 42 U.S.C. § 7524(c)(1). Respondent subsequently filed an Answer to the Complaint, in which it denied the alleged violations and disputed the Complaint’s proposed assessment of penalties. After I was designated to preside over the proceeding, I issued a Prehearing Order setting deadlines for a number of prehearing procedures, including the filing of a fully-executed Consent Agreement and Final Order (“CAFO”) if the parties achieved settlement of this matter, and a prehearing exchange of information by each party if settlement was not achieved in the meantime. Prehearing Order (Aug. 7, 2024).

I am in receipt of the parties’ August 30, 2024, Joint Motion for an Extension of Time (“Motion”). The Motion represents that the parties are engaged in ongoing settlement negotiations and requests an extension of the parties’ prehearing deadlines to facilitate their pursuit of a settlement agreement. Mot. 1. Specifically, the parties ask that Complainant’s Initial Prehearing Exchange deadline be extended by 61 days, to November 20, 2024; that Respondent’s Prehearing Exchange deadline be extended by 70 days, to December 20, 2024; and that Complainant’s Rebuttal Prehearing Exchange deadline be extended by 78 days, to January 11, 2025. Mot. 2.

This matter 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 provide that I “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; or upon [my] own initiative.” 40 C.F.R. § 22.7(b).

Here, the Motion was timely and shows good cause for an extension. As reflected in the Rules of Practice, Agency policy supports settlement of a proceeding without the necessity of a

formal hearing. 40 C.F.R. § 22.18(b)(1). The interests of the parties and judicial economy are well served by the parties resolving this matter informally and expeditiously. However, justice and judicial economy also require the Tribunal to ensure that the cases on its docket proceed without undue delay where a negotiated resolution has not been reached. Therefore, the Motion is hereby **GRANTED IN PART AND DENIED IN PART**. The parties shall adhere to the following revised schedule, which represents a 50-day extension of outstanding prehearing deadlines:

A fully-executed CAFO shall be filed with the Regional Hearing Clerk on or before **November 12, 2024**, with a courtesy copy filed with the Headquarters Hearing Clerk. Alternatively, if the parties are unable to finalize a CAFO by that date, they shall file their prehearing exchanges pursuant to the following schedule:

November 12, 2024	Complainant's Initial Prehearing Exchange
December 2, 2024	Respondent's Prehearing Exchange
December 16, 2024	Complainant's Rebuttal Prehearing Exchange

In addition, Complainant is directed to file Status Reports as to the status of the parties' settlement negotiations on or before **October 3, 2024**, and **November 4, 2024**. Complainant's Status Reports shall not include any specific terms of settlement.

SO ORDERED.



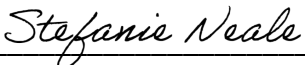
Michael B. Wright
Administrative Law Judge

Dated: September 3, 2024
Washington, D.C.

In the Matter of *Cutting Edge Enterprises, Inc.*, Respondent.
Docket No. CAA-05-2024-0004

CERTIFICATE OF SERVICE

I hereby certify that the foregoing **Order Granting in Part and Denying in Part Joint Motion for an Extension of Time**, dated September 3, 2024, and issued by Administrative Law Judge Michael B. Wright, was sent this day to the following parties in the manner indicated below.



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Attorney Advisor

Copy by OALJ E-Filing System to:
U.S. Environmental Protection Agency
Office of Administrative Law Judges
<https://yosemite.epa.gov/OA/EAB/EAB-ALJ Upload.nsf>

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Counsel for Respondent

Dated: September 3, 2024
Washington, D.C.