BEFORE THE ENVIRONMENTAL APPPEALS BOARD

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C.

IN RE:	
Hudson Refinery	Petition No. 15-01
Superfund Site) CERCLA 106(b)
Cushing, Oklahoma,) EPA Region 6 Docket No CERCLA-06-16-08
Land O' Lakes, Inc.,	(
Petitioner	
Petition for Reimbursement Under)
Section 106(b)(2) of the Comprehensive Environmental Response, Compensation,)
and Liability Act of 1980, as amended	Ì
42 U.S.C § 9606(b)(2)	

RESPONDENT'S NOTICE OF DISTRICT COURT FILINGS

I. Notice

The Respondent, the United States Environmental Protection Agency, Region 6 ("EPA" or the "Region"), by and through its Office of Regional Counsel, hereby provides the Environmental Appeals Board ("Board") with notice of filings by the Respondent in Land O' Lakes v. United States, No. 5:15-cv-0683-R (Western Dist. Okla. filed June 23, 2015).

II. Respondent's Filings

In accordance with the Board's September 18, 2015, Order, the following documents were filed on behalf of the United States in the Western District Court litigation:

Attachment 1 - Agreed Motion to Extend Time (filed 9-21-15) Attachment 2 - Agreed Motion to Extend Time (filed 8-17-15)

Dated this 22nd day of September 2015.

Respectfully submitted:

By:

George Malone, III

Assistant Regional Counsel
Office of Regional Counsel (6RC-S)

U.S. EPA, Region 6

1445 Ross Avenue

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Glarence Featherson

Office of Enforcement and Compliance Assurance

for CF

U.S. EPA (2272A)

1200 Pennsylvania Ave., NW Washington, D.C. 20460

202.564.4234

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CERTIFICATE OF SERVICE

I hereby certify that on the 22nd of September, 2015, I served a true and correct copy of the above Notice by mailing a copy via first class United States Mail to:

Byron E. Starns, Esq. Stinson Leonard Street LLP 150 South Fifth Street, Suite 2300 Minneapolis, MN 55402

George Malone, III

IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF OKLAHOMA

LAND O' LAKES, INC.	
Plaintiff,))) Case No. 5:15-cv-0683-R
vs.)) JUDGE DAVID L. RUSSELL
UNITED STATES OF AMERICA,	
Defendant.	? Attachment
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AGREED MOTION OF DEFENDANT FOR EXTENSION OF TIME TO RESPOND TO PLAINTIFF'S FIRST AMENDED COMPLAINT

In accordance with Local Rule 7.1(h), Defendant, the United States of America, hereby moves for a 30-day extension of time, until October 23, 2015, to respond to Plaintiff's First Amended Complaint. Defendant's response currently is due to be filed on September 23, 2015. This Motion is Defendant's first request for an extension of time to respond to Plaintiff's First Amended Complaint. Defendant also requested one extension of time to respond to Plaintiff's original Complaint. Plaintiff's counsel, Byron Starns, consented to this extension of time by e-mail on September 21, 2015.

Defendant does not make this Motion for purposes of delay. Rather, Plaintiff filed its First Amended Complaint on September 1, 2015, to add a citizen suit claim under the Resource Conservation and Recovery Act, 42 U.S.C. § 6972. Defendant requests this time to continue its investigation and evaluation of Plaintiff's claims, which involve activities that occurred more than 25 years ago. In addition, the court has not yet scheduled a trial or any pretrial deadlines in

this case, so the granting of this Motion will not affect any deadlines for this case.

FOR THE UNITED STATES

JOHN C. CRUDEN Assistant Attorney General Environment and Natural Resources Division

/s/ John E. Sullivan

JOHN E. SULLIVAN (D.C. Bar No. 1020285) Environment & Natural Resources Division **Environmental Defense Section** P.O. Box 7611 Washington, D.C. 20044-7611 john.sullivan3@usdoj.gov Telephone: (202) 305-0365

Facsimile: (202) 514-8865

SCOTT M. CERNICH (D.C. Bar No. 479851) ANNA E. GRACE (MA Bar No. 686070) Environment & Natural Resources Division **Environmental Enforcement Section** P.O. Box 7611 Washington, D.C. 20044-7611 Scott.Cernich@usdoj.gov Ann.E.Grace@usdoj.gov Telephone: (202) 514-0056

Counsel for Defendant

CERTIFICATE OF SERVICE

I hereby certify that true and accurate copies of the foregoing Agreed Motion for Extension of Time was served by electronic filing through PACER upon all counsel of record on September 21, 2015.

/s/ John E. Sullivan
John E. Sullivan

IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF OKLAHOMA

LAND O' LAKES, INC.)
Plaintiff,)
) Case No. 5:15-cv-0683-R
vs.)
UNITED STATES OF AMERICA,) JUDGE DAVID L. RUSSELL)
Defendant.	{ A Hachment
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AGREED MOTION OF DEFENDANT FOR EXTENSION OF TIME TO RESPOND TO PLAINTIFF'S COMPLAINT

In accordance with Local Rule 7.1(h), Defendant, the United States of America, hereby moves for a 30-day extension of time, until September 23, 2015, to respond to Plaintiff's Complaint. Defendant's response currently is due to be filed on August 24, 2015. This Motion is Defendant's first request for an extension of time to respond to Plaintiff's Complaint. Plaintiff's counsel, Byron Starns, consented to this extension of time by e-mail on August 11, 2015.

Defendant does not make this Motion for purposes of delay. Rather, Defendant requests this time to continue its investigation and evaluation of Plaintiff's claims, which involve activities that occurred more than 25 years ago. In addition, it is Defendant's understanding that Plaintiff is contemplating the possibility of amending its Complaint in early September to add additional claims, and the extension of time would ensure that Defendant's response addresses all of Plaintiff's claims. The court has not yet scheduled a trial or any pretrial deadlines in this

case, so the granting of this Motion will not affect any deadlines for this case.

FOR THE UNITED STATES

JOHN C. CRUDEN
Assistant Attorney General
Environment and Natural Resources Division

/s/ John E. Sullivan

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Counsel for Defendant

CERTIFICATE OF SERVICE

I hereby certify that true and accurate copies of the foregoing Agreed Motion for Extension of Time was served by electronic filing through PACER upon all counsel of record on August 17, 2015.

/s/ John E. Sullivan
John E. Sullivan