

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 7

901 N. 5TH STREET
KANSAS CITY, KANSAS 66101

06 SEP 14 PM 2:04

ENVIRONMENTAL PROTECTION
AGENCY-REGION VII
REGIONAL HEARING CLERK

IN THE MATTER OF:)
)
United States Department of Agriculture)
Agricultural Research Service)
National Animal Disease Center)
)
2300 North Dayton Road)
Ames, Iowa 50010)
)
EPA ID# IA8123490007)
)
Respondent.)
)

Docket No. RCRA-07-2006-0153

MOTION FOR EXTENSION OF TIME

Comes now the Complainant, United States Environmental Protection Agency Region 7 (Complainant or EPA) and respectfully requests an extension of time in which to file a Prehearing Exchange in the above matter.

1. The undersigned Counsel for Complainant has conferred with Counsel for the United States Department of Agriculture, Agricultural Research Service (USDA or Respondent), and Counsel for Respondent agrees with the substance of the statements and requests made in this motion.

2. The parties are in receipt of a Prehearing Scheduling Order from Administrative Law Judge Charneski dated September 13, 2006.

3. The parties have completed negotiations on a Consent Agreement and Final Order. The final version of the CAFO is being sent via overnight express to the Respondent on

September 14, 2006.

4. Respondent has indicated that concurrence and signature procedures at USDA generally take two to three weeks. In addition, Complainant anticipates that at least a week will be required to obtain concurrence by the Region and approval of the settlement by the Regional Judicial Officer.

5. The September 13, 2006 Prehearing Scheduling Order requires the parties to submit their Prehearing Exchanges by October 9, 2006.

6. In light of the time required to obtain formal approval of the settlement, the parties hereby request that the date for submission of the parties' Prehearing Exchanges be extended until October 31, 2006, in order to allow time for processing of the settlement document by both agencies.

Respectfully Submitted,



Belinda L. Holmes
Senior Assistant Regional Counsel
U.S. EPA Region 7

CERTIFICATE OF SERVICE

I hereby certify that on the 14th of September, 2006, the original and one true and correct copy of the foregoing Motion For Extension of Time was hand delivered to the Regional Hearing Clerk, U.S. Environmental Protection Agency, Region 7, 901 N. 5th Street, Kansas City, Kansas 66101; and a true and correct copy was sent by overnight express to:

Gary Fremerman, Esq.
United States Department of Agriculture
Room 3351 South Building
1400 Independence Ave., N.W.
Washington DC 20250-1412

and by facsimile and pouch mail to:

Administrative Law Judge Carl C. Charneski
Office of Administrative Law Judges
Mail Code 1900L/Ariel Rios Building
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460



Belinda L. Holmes
Senior Assistant Regional Counsel
U.S. EPA Region 7