## UNITED STATES ENVIRONMENTAL PROTECTION AGENCY BEFORE THE ADMINISTRATOR

In the Matter of:	) Docket No. TSCA-05-2011-0021		
Patrick Wilber;	) Honorable M. Lisa Buschmann	2012	<u>_</u>
YaYa Milwaukee, LLC; and	) Presiding Administrative Law Judge		01
Sancho Properties, LLC	)	2	P
Milwaukee, Wisconsin		5	B
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Respondents.	)		0
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- November 1970 - November 197		10	

## MOTION TO TEMPORARILY STAY PROCEEDINGS

Complainant, the United States Environmental Protection Agency, Region 5 ("U.S. EPA" or "Complainant"), through its attorney and pursuant to Section 22.16 of the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties, Issuance of Compliance or Corrective Action Orders, and the Revocation, Termination or Suspension of Permits (Consolidated Rules), codified at 40 C.F.R. § 22.16 for good cause requests that proceedings in this matter be stayed for 30 days.

According to this Court's June 15, 2012, *Order on Respondents' Second Motion for Extension of Time*, the Respondents are to submit their prehearing exchange by August 2, 2012, with the Complainant's rebuttal prehearing exchange due on August 16, 2012. Although the Respondents submitted a prehearing exchange the Complainant has requested them to comply with the March 15, 2012, *Prehearing Order* and submit additional information.

The Parties have arrived at a settlement in principle of this matter. Respondents have submitted today a signed Consent Agreement and Final Order (CAFO) resolving this matter.

The Complaint must route the CAFO through its internal review and approval process which includes the Regional Administrator. Complainant's Counsel anticipates that it will take approximately 30 days to complete this process and file the signed CAFO.

Staying the proceedings will save the resources of the Parties and this tribunal. The Complainant has discussed this motion with the Respondents and they agree with it.

Respectfully submitted,

Richard J. Clarizio

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## **CERTIFICATE OF SERVICE**

I hereby certify that today I filed the Motion to Temporarily Stay Proceedings in the manner indicated below.

Original and one copy

LaDawn Whitehead Regional Hearing Clerk U.S. EPA, Region 5, E-19J 77 W. Jackson, 13<sup>th</sup> Floor Chicago, Illinois 60604-3590

By UPS

The Honorable Lisa M. Buschmann Office of Administrative Law Judges U.S. EPA Mail Code 1099 14th Street, N.W. Suite 350 Washington D.C. 20005

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