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REPLY TO THE ATTENTION OF:

Ms. LaDawn Whitehead
Regional Hearing Clerk
United States
Environmental Protection Agency-Region V
77 West Jackson Blvd. - 19th Fl.
Chicago, IL 60604-3590

C-14J

Re: U.S. EPA v. Joseph L. Bollig and Sons, Inc.
Docket No. CWA-05-2011-0008 - Complainant's Motion for Extension of Time to File
Final Consent Agreement and Final Order (CAFO)

Dear Ms. Whitehead:

Pursuant to 40 C.F.R. § 22.16 of the Consolidated Rules of Practice and the direction of the Court, in above referenced case, enclosed please find the original and a copy of Complainant's Motion for Extension of Time to File Final CAFO. I have also filed copies of this Motion with the Administrative Law Judge and Respondent by certified mail, return receipt requested.

Sincerely yours,

Thomas P. Turner
Associate Regional Counsel

Enclosure

cc: Hon. M. Lisa Buschmann, ALJ (mail code: 1900L)
Greg Carlson, Water Division (WW-16J)
Kevin C Chow, Assoc. Regional Counsel (C-14J)

Joseph L. Bollig and Sons, Inc.
c/o: William T. Curran, Esq.
Curran, Hollenbeck & Orton, SC
111 Oak Street, PO Box 140
Mauston, WI 53948-0140

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5

In The Matter Of:)
)
) **Motion for Extension of Time to**
) **File Final Consent Agreement and**
) **Final Order (CAFO) in**
) **Proceeding to Assess Amended**
) **Class II Administrative**
) **Penalty Under Section 309(g)**
) **of the Clean Water Act,**
) **33 U.S.C. §1319(g).**
)
) **DOCKET No. CWA-05-2011-0008**
)

)

MOTION FOR EXTENSION OF TIME TO FILE FINAL CAFO

Pursuant to 40 C.F.R. § 22.16 of the Consolidated Rules of Practice and the direction of this Court, the United States Environmental Protection Agency (EPA or Complainant) moves this Court for an Extension of Time until November 9, 2012, for the filing of the final, issued Consent Agreement and Final Order (CAFO) in this matter. In support thereof, Complainant states as follows:

1. This case was begun by an August 18, 2011 filing of an Administrative Complaint pursuant to 40 C.F.R. § 22.14 and Section 309(g) of the Clean Water Act (CWA), 33 U.S.C. § 1319(g), against Joseph L. Bollig and Sons, Inc. (Respondent). Thereafter, Respondent timely filed an Answer, and the Parties proceeded to negotiate and prepare the case for potential litigation.

2. On September 17, 2012, the Parties achieved settlement in principle and notified this Court thereof. Pursuant to the September 17, 2012 instructions of this Court, the Parties filed a Joint Motion to Stay Proceedings on September 20, 2012. Respondent signed the CAFO on

September 19, 2012. Complainant proceeded to begin internal Agency processing of the CAFO.

3. On September 27, 2012, this Court issued an Order granting the Parties' Joint Motion to Stay Proceedings, and setting a due date for the filing of a fully-executed CAFO with the Court of October 19, 2012. This Court also re-scheduled the hearing date (if necessary) for November 13, 2012.

4. On September 27, 2012, upon receipt of the above-mentioned Order, Complainant contacted this Court for clarification of the Order in light of the statutory requirement at Section 309(g) of the CWA, 33 U.S.C. § 1319(g), that settlements involving assessments of penalties must undergo Public Notice and comment periods. In the present matter, a thirty (30) day Public Notice period is required.

5. On September 28, 2012, the Complainant signed the CAFO, and it was posted along with a formal Public Notice by the EPA Regional Hearing Clerk, Region 5. The Regional Hearing Clerk has indicated that the Public Notice period will begin September 29, 2012, and will close on October 29, 2012. The internet link to the EPA website is as follows:

<http://epa.gov/region5/publicnotices>.

6. Therefore, based upon the above facts, and the September 27, 2012 telephonic instructions of this Court, Complainant hereby moves this Court to amend its Order of the same date, in order to allow for the completion of the statutorily required Public Notice time period, and for Complainant to finalize the processing and issuance of the CAFO. Complainant believes that an extension of time until Friday, November 9, 2012, would be sufficient to allow for the proper completion of Public Notice period, any consideration and response to potential comments, and the final issuance of the final CAFO.

Respectfully submitted,



Thomas P. Turner
Kevin C. Chow
Associate Regional Counsels

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PROOF OF SERVICE

I certify that the foregoing Motion for Extension of Time to File Final Consent Agreement and Final Order was sent in the following manner to the addresses listed below:

Original and copy by hand delivery to:

Regional Hearing Clerk
U.S. Environmental Protection
Agency, Region 5
77 West Jackson Blvd.
Chicago, Illinois 60604

Copy by Certified Mail/
Return Receipt Requested to:

Judge M. Lisa Buschmann
Office of Administrative
Law Judges
U.S. Environmental Protection
Agency, mail code: 1900L
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460

Joseph L. Bollig and Sons, Inc.
c/o: William T. Curran, Esq.
Curran, Hollenbeck & Orton, S.C.
111 Oak Street, P.O. Box 140
Mauston, Wisconsin 53948-0140

Dated: *October 3, 2012*



Thomas P. Turner
Kevin C. Chow
Associate Regional Counsels