LAW OFFICES OF

CAREY S. ROSEMARIN, P.C.

847-897-8000

500 SKOKIE BOULEVARD, SUITE 510 NORTHBROOK, ILLINOIS 60062

WWW.ROSEMARINLAW.COM

Fax: 312-896-5786 csr@rosemarinlaw.com

April 29, 2011

Office of the Regional Hearing Clerk Attention: La Dawn Whitehead

US EPA, Region 5 77 W. Jackson Blvd. Mail Code: E-19J

Chicago, IL 60604-3590

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REGIONAL HEARING CLERK USEPA REGION 5

Re: In the matter of Schulze & Burch Biscuit Company Docket No. CAA-05-2011-0034

Dear Regional Hearing Clerk:

Please find enclosed for filing one original and two copies of "Respondent's Motion to Extend Time to Answer or Otherwise Plead" in the above-referenced case. I would greatly appreciate your returning to me a file-stamped copy in the enclosed self-addressed stamped envelope. Thank you for your assistance.

Very truly yours,

Carey S. Rosemarin

cc:

Marcy A. Toney

Regional Judicial Officer

Ann L. Coyle

Associate Regional Counsel

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY REGION 5



Respondent's Motion to Extend Time to Answer or Otherwise Plead

Respondent, Schulze & Burch Biscuit Company ("S&B" or "Respondent"), by and through its attorneys, the Law Offices of Carey S. Rosemarin, P.C. ("CSRPC"), respectfully moves the Presiding Officer to increase by 30 days the time by which Respondent must answer the Complaint, or otherwise plead in response thereto. In support of this Motion, S&B states as follows:

- 1. The United States Environmental Protection Agency, Region 5 ("EPA"), filed the Complaint in this matter against S&B on March 29, 2011 (EPA and S&B are collectively referred to herein as the "Parties.") The Complaint was served on S&B on or about April 4, 2011, and thus the date by which S&B's answer is due is May 4, 2011.
- 2. Prior to EPA's filing of the Complaint, the Parties had conferred in person and by telephone on a number of occasions. The Parties reached a tentative settlement on March 28, 2011. The structure of that agreement anticipated that EPA would file the Complaint the following day, that S&B would furnish EPA with additional information shortly thereafter, and that the Parties would otherwise work cooperatively to fashion an agreeable Consent Agreement and Final Order ("CAFO").

3. In response to EPA's request, S&B devoted considerable effort to obtaining specified data and information, which it submitted to EPA on April 19, 2011 and April 28, 2011. As contemplated by the tentative settlement, S&B continues its efforts to draft proposals for Supplemental Environmental Projects, which are likely to result in significant environmental benefit.

4. S&B makes no admission of liability whatsoever. But in any event, the violations alleged by EPA involved neither environmental detriment nor economic benefit to S&B.

5. It is to the mutual benefit of EPA and S&B to allow additional time for the Parties to focus their efforts on finalizing their tentative settlement agreement, rather than furthering needless litigation.

WHEREFORE, S&B respectfully requests the Regional Judicial Officer to grant this Motion for Extension and enter an Order stating that S&B shall have until June 3, 2011 to answer or otherwise plead.

Dated: April 29, 2011

Respectfully submitted, Schulze & Burch

One of its Attorneys

Carey S. Rosemarin (ARDC No. 6181911)
Andrew J. Marks (ARDC No. 6286796)
Law Offices of Carey S. Rosemarin, P.C.
500 Skokie Boulevard, Suite 510
Northbrook, Illinois 60062
(847) 897-8000
csr@rosemarinlaw.com
ajm@rosemarinlaw.com



Certificate of Service

I, Carey S. Rosemarin, hereby certify that on April 29, 2011, I caused the original and one copy of the foregoing document to be filed with the Regional Hearing Clerk, and true and correct copies of said document to be sent to the Regional Judicial Officer and Associate Regional Counsel of Record, all by next-day mail service, at the following addresses:

Office of the Regional Hearing Clerk Attention: La Dawn Whitehead US EPA, Region 5 77 W. Jackson Blvd. Mail Code: E-19J Chicago, IL 60604-3590

Marcy A. Toney Regional Judicial Officer US EPA, Region 5 77 W. Jackson Blvd. Mail Code: C14-J Chicago, IL 60604

Ann L. Coyle Associate Regional Counsel US EPA, Region 5 77 W. Jackson Blvd. Mail Code: C14-J Chicago, IL 60604

