



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

BEFORE THE ADMINISTRATOR

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In the Matter of: )
McCook Cold Storage Corporation, ) Docket No. EPCRA-05-2012-0005
Respondent. )

ORDER ON RENEWED JOINT MOTION FOR STAY OF PROCEEDINGS

A Prehearing Order was issued in this matter on April 9, 2012, ordering Complainant to file Status Reports regarding the status of settlement on or before April 27, 2012, May 18, 2012, and June 8, 2012. Complainant was also ordered therein to file either a Consent Agreement and Final Order or its Initial Prehearing Exchange by June 22, 2012, Respondent was ordered to file its Prehearing Exchange by July 13, 2012, and Complainant was ordered to file its Rebuttal Prehearing Exchange by July 27, 2012.

On April 26, 2012, Complainant filed its First Status Report and a Joint Motion for Stay of Proceedings, requesting a sixty day stay of proceedings so that the parties had time to determine whether a settlement could be reached between them. On May 17, 2012, Complainant filed its Second Status Report, indicating that the parties had held their first substantive mediation session, and that EPA requested additional information from Respondent to assess its inability to pay claim and a Supplemental Environmental Project ("SEP") proposal. On June 8, 2012, Complainant filed its Third Status Report, reporting that since the parties' first mediation session, Respondent provided some financial information to EPA, and EPA sought more. Complainant asserts that to date, more information is needed concerning Respondent's proposed SEP and ability to pay in order to achieve settlement, and that the parties are "diligently" working towards that end.

On June 11, 2012, Complainant filed a Renewed Joint Motion for Stay of Proceedings ("Motion"), again requesting a sixty day stay of proceedings. The Motion includes a list of settlement activities the parties have steadily engaged in since April 3, 2012. Though they have not yet reached a settlement, the parties assert in the Motion that they are "diligently working on mediation efforts." Additionally, the parties state that "EPA has found the need to request additional financial documentation," which it will "expeditiously evaluate" upon production, and that "Respondent intends to submit a SEP proposal for EPA's review in the near future."

The Motion is hereby **GRANTED IN PART** for good cause in accordance with 40 C.F.R. § 22.7(b). The parties are directed to continue diligent settlement efforts. Complainant shall file a Status Report regarding settlement on or before **July 6, 2012**. If the case is settled, the fully-executed Consent Agreement and Final Order should be filed no later than **August 3, 2012**, with a copy sent to the undersigned.

Should a Consent Agreement not be finalized on or before the latter date, the parties must prepare for hearing and shall strictly comply with the prehearing requirements of the Prehearing Order issued April 9, 2012, in accordance with the revised deadlines set forth herein:

<b>August 3, 2012</b>	Complainant's Initial Prehearing Exchange
<b>August 24, 2012</b>	Respondent's Prehearing Exchange
<b>September 7, 2012</b>	Complainant's Rebuttal Prehearing Exchange

**SO ORDERED.**

  
\_\_\_\_\_  
Susan L. Biro  
Chief Administrative Law Judge

Dated: June 13, 2012  
Washington, D.C.

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PROTECTION AGENCY

In the Matter of McCook Cold Storage Corporation, Respondent  
Docket No. EPCRA-05-2012-0006

CERTIFICATE OF SERVICE

I certify that the foregoing **Order On Renewed Joint Motion For Stay Of Proceedings**, dated June 13, 2012, was sent this day in the following manner to the addressees listed below.

  
\_\_\_\_\_  
Maria Whiting-Beale  
Staff Assistant

Dated: June 13, 2012

Original And One Copy By Regular Mail To:

La Dawn Whitehead  
Regional Hearing Clerk  
U.S. EPA  
77 West Jackson Boulevard, E-19J  
Chicago, IL 60604-3590



Copy By Regular Mail To:

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