

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY

ADMINISTRATIVE CLERK
U.S. EPA REGION 5

2011 AUG 12 AM 9:57

BEFORE THE ADMINISTRATOR

In the Matter of:)
)
Carbon Injection Systems LLC,)
Scott Forster,)
and Eric Lofquist,)
)
)
Respondents.)
_____)

Docket No. RCRA-05-2011-0009

JOINT MOTION FOR STAY OF PROCEEDINGS

Comes now Complainant United States Environmental Protection Agency (“EPA”) and Respondents Carbon Injection Systems LLC, Scott Forster and Eric Lofquist (hereinafter “Parties”), through counsel, pursuant to Rule 22.16(a) of the Consolidated Rules of Practice (40 C.F.R. §22.16(a), and respectfully request a sixty (60) day stay of proceedings in the above-referenced matter and as grounds therefore state as follows:

The Parties have been engaged in the following mediation activities:

- 7/1/11 joint interview of three mediator candidates
- 7/22/11 joint interview of one mediator candidate
- 7/26/11 independent submittal of candidate rankings to neutral convener Deborah Dalton, EPA Office of General Counsel, Conflict Prevention and Resolution Center
- 8/1/11 selection of mediator James Kohanek
- 8/10/11 first joint call with mediator regarding process and logistics
- 8/10/11 transmittal of seventeen (17) documents to mediator in preparation for first substantive mediation session to be held within the next ten (10) days

The Parties are currently in the process of finalizing a Mediation Agreement and scheduling the first substantive mediation session to be held in the next ten (10) days. The Parties note that the issues in this matter are complex and the documents that the mediator will need to review in

order to prepare for the mediation are voluminous. The Parties are working diligently on mediation efforts and have agreed to invest a significant sum in mediation services, to be provided by mediator James Kohanek, a full-time mediator with approximately twenty-five (25) years of experience in environmental matters. The Parties believe that a stay of proceedings will assist the Parties in determining whether a settlement can be reached in this matter.

Respectfully Submitted,

Counsel for EPA:

8/11/11
Date



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CERTIFICATE OF SERVICE

REGIONAL HEARING CLERK
U.S. EPA REGION 5

In the Matter of Carbon Injection Systems LLC, Scott Forster, and Eric Lofquist
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CERTIFICATE OF SERVICE

I certify that the foregoing "Joint Motion For Stay of Proceedings", dated August 11th, 2011, was sent this day in the following manner to the addressees listed below:

Original and one copy hand-delivered to:

Regional Hearing Clerk
U.S. EPA, Region 5
77 West Jackson Boulevard
Chicago, Illinois 60604

Copy via Regular Mail to:

Attorneys for Respondents:

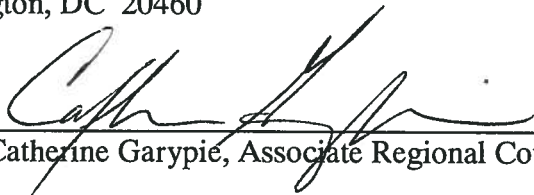
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Presiding Judge:

The Honorable Susan L. Biro, Chief Administrative Law Judge
Office of Administrative Law Judges
U.S. Environmental Protection Agency
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8/11/11
Date


Catherine Garypie, Associate Regional Counsel