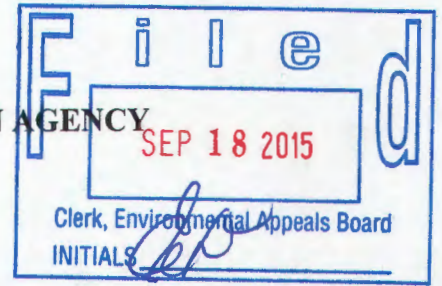


ENVIRONMENTAL APPEALS BOARD
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C.



In re:)
)
Land O'Lakes, Inc. (Hudson Oil Refinery)
Superfund Site))
)
Docket No. 06-16-08)
_____)

CERCLA § 106(b) Petition No. 15-01

ORDER DIRECTING TIMELY FILING OF PLEADING AND CLARIFICATION OF STATUS OF DOCUMENTS

On September 15, 2015, the parties filed an "Agreed Motion to Stay Proceedings and to Extend Time For the Petitioner To Retain an Expert and File a Supplemental Affidavit." The Board is not ruling on the parties' request for a stay at this time in the EAB proceedings. The requested stay is for a potential lengthy period of time and tied, in part, to recently filed Federal District Court litigation involving this site. A response to the Petition filed with the EAB addressing the prerequisites for obtaining review is due on September 21, 2015, if the EPA Region contends that the petitioner failed to satisfy one or more of the statutory prerequisites. In the interest of effectively addressing the pending Petition, the Board directs any such brief to be timely filed on September 21, 2015. The Board notified the parties of the filing dates in the Board's letter dated August 20, 2015. A response on the merits is currently due October 20, 2015. The Board anticipates ruling on the request for a stay prior to the due date of the merits response. In the meantime, the Board requests that the parties contemporaneously file a notice of any filings made in the District Court case, and attach any pleadings already filed.

The Board is not ruling at this time on the request for an extension of time for the Petitioner to retain an expert and file a supplemental affidavit.

Further, the Board requires clarification from the Petitioner as to the current status of certain documents filed as attachments to its petition. In its review of the attachments, the Board found documents marked "CONFIDENTIAL – SUBJECT TO PROTECTIVE ORDER." Petitioner is ordered to file a statement to the Board by September 23, 2015 as to whether these documents are still under protective order, and if so, attach a copy of the order.

So ordered.

Dated:

September 18, 2015

ENVIRONMENTAL APPEALS BOARD

By:

Kathleen A. Steen for Mary Kay Lynch

Mary Kay Lynch
Environmental Appeals Judge

CERTIFICATE OF SERVICE

I certify that copies of the forgoing *Order Directing Timely Filing of Pleading and Clarification of Status of Documents* in the matter of Land O'Lakes, Inc. (Hudson Oil Refinery Superfund Site), CERCLA § 106(b) Petition No. 15-01 were sent to the following persons in the manner indicated:

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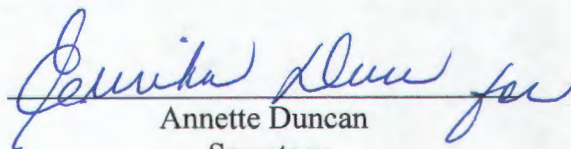
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Dated: September 18, 2015


Annette Duncan
Secretary