

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5

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In the Matter of:)	Docket No. CAA-05-2008-0033
)	REGIONAL HEARING CLERK
Barron County Waste to Energy)	U.S. ENVIRONMENTAL
Facility)	PROTECTION AGENCY
Almena, Wisconsin)	Proceeding to Assess a Civil Penalty
)	Under Section 113(d) of the Clean Air
)	Act, 42 U.S.C. § 7413(d)
Respondent.)	
_____)	

JOINT MOTION FOR EXTENSION OF TIME

Padmavati Bending, Counsel for Complainant, Director of the Air and Radiation Division, U.S. Environmental Protection Agency, Region 5, Chicago, Illinois, (the "EPA") and Carl A. Sinderbrand, Counsel for Respondent, Barron County Waste to Energy Facility, Almena, Wisconsin ("Barron County"), move this tribunal for an Order extending by 30 days the milestones set forth in the Prehearing Order dated October 22, 2008, including the time for filing any settlement agreement and prehearing exchanges, pursuant to the provisions of the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation or Suspension of Permits, 40 C.F.R. Part 22.

The basis for this motion is as follows:

1. On October 22, 2008, Administrative Law Judge Susan L. Biro issued a Prehearing Order directing the Parties to engage in settlement discussions on or before November 14, 2008, and, among other things, file a Consent Agreement and Final Order by December 12, 2008. The Order also directed that Complainant's Initial Prehearing Exchange be submitted by December 12, 2008 and Respondent's Prehearing Exchange be filed by January 2, 2009.

2. On or about October 2, 2008, the EPA filed a Notice of Unavailability (the "Notice") stating that EPA's counsel, Padmavati Bending, would be unavailable from October 8, 2008 through October 29, 2008, due to surgery. The Notice was submitted by Ms. Bending's section chief, Stephen Mendoza. Due to Ms. Bending's unavailability, the parties were unable to schedule a settlement meeting until November 12, 2008.

3. The parties achieved a settlement in principle shortly after that meeting, which is in the process of being documented. However, Ms. Bending was again unavailable to work on this matter from November 24 through December 2, 2008, due to another surgery.

Therefore, the Parties jointly move the Court for an Order revising its Prehearing Order to provide that the date for filing a Consent Order and Final Order be delayed 30 days to January 13, 2009, and that the prehearing exchanges filing dates be delayed by 30 days to January 13, 2009, February 2, 2009, and February 16, 2009, respectively.

Respectfully submitted, this 8th day of December, 2008.



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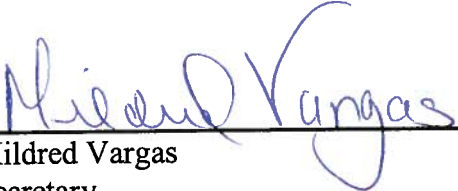
CERTIFICATE OF SERVICE

I hereby certify that today I filed personally with the Regional Hearing Clerk, Region 5, United States Environmental Protection Agency, 77 West Jackson Boulevard (E-13J), Chicago, Illinois, 60604-3590, the original document entitled Joint Motion for Extension of Time for this civil administrative action, and that I issued to the Court and Respondent's Counsel by first class mail a copy of the original document: 8 2008


The Honorable Susan L. Biro
Chief Administrative Law Judge
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Mildred Vargas
Secretary



Date