

RECEIVED
REGIONAL HEARING CLERK
U.S. EPA REGION 5

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5

2009 AUG -5 AM 10:18

In the Matter of:)
)
MBH Trucking, L.L.C.)
Webberville, Michigan)
Respondent.)
)
)
_____)

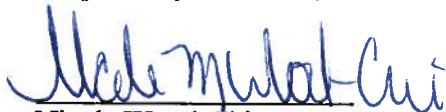
Docket Nos. CERCLA-05-2009-0005
EPCRA-05-2009-0017
MM-05-2009-0005

Agreed Motion to Extend Alternative Dispute Resolution Period

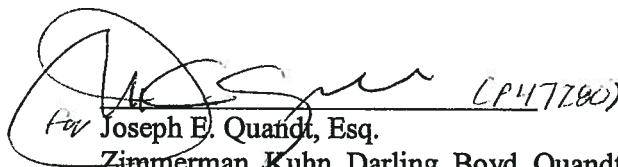
1. The United States Environmental Protection Agency ("U.S. EPA") filed a complaint in this matter on March 26, 2009.
2. Complainant and Respondent mutually agreed to attempt to resolve the issues presented in the complaint by means of the alternative dispute resolution ("ADR") procedures offered by the Court pursuant to 40 C.F.R. § 22.18(d).
3. On June 24, 2009, Complainant and Respondent reached a settlement in principle of all issues.
4. The initial period established for ADR in this matter expired on July 6, 2009.
5. On July 6, 2009, Judge Spencer T. Nissen granted the parties an extension of the Alternative Dispute Resolution Process to and including August 5, 2009.
6. On August 4, 2009, counsel for both parties learned that one of the provisions of the proposed Supplemental Environmental Projects (SEP) was not confirmed.
7. Within the next two weeks, Respondent will be able to confirm whether or not the proposed SEP is achievable as contemplated in the proposed Consent Agreement and Final Order (CAFO).
8. Accordingly, the parties jointly request an extension of the ADR period for another

thirty days, *i.e.* until September 4, 2009, in which to submit to the Court a CAFO resolving all issues in this case.

Respectfully submitted,



Nicole Wood-Chi
Assistant Regional Counsel
Office of Regional Counsel
U.S. EPA Region 5
77 West Jackson Blvd.
Chicago, Illinois 60604
312-886-0664



Joseph E. Quandt, Esq.
Zimmerman, Kuhn, Darling, Boyd, Quandt & Phelps
412 S. Union St.
Traverse City, MI 49684

RECEIVED
REGIONAL HEARING CLERK
U.S. EPA REGION 5

2009 AUG -5 AM 10:18

In the Matter of:

MBH Trucking, L.L.C., Webberville, Michigan

Docket Nos.: CERCLA-05-2009-0005, EPCRA-05-2009-0017, MM-05-2009-0005

Certificate of Service

I, Yesenia Ortiz-Santiago, certify that I filed the original and one copy of the Agreed Motion to Extend Alternative Dispute Resolution Period, with the Regional Hearing Clerk, Region 5, United States Environmental Protection Agency, and that I mailed a copy to the Respondent by first-class, postage prepaid, certified mail, return receipt requested, by placing it in the custody of the United States Postal Service addressed as follows:

Joseph E. Quandt, Esq.
Zimmerman, Kuhn, Darling, Boyd, Quandt & Phelps
412 S. Union St.
Traverse City, MI 49684

On the 5th day of August, 2009.

Yesenia Ortiz-Santiago
Yesenia Ortiz-Santiago
U.S. Environmental Protection Agency
Region 5