

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5

In the Matter of:

Land O'Lakes, Inc.,
Kiel, Wisconsin,

Respondent.

DOCKET NO. CERCLA-05-2007-0007
EPCRA-05-2007-0011 &
MM-05-2007-0003

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JOINT MOTION FOR EXTENSION OF TIME

Pursuant to Sections 22.7 and 22.16 of the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties, Issuance of Compliance or Corrective Action Orders, and Revocation, Termination or Suspension of Permits (Consolidated Rules), 40 C.F.R. Part 22, U.S. EPA Region 5 (Complainant) and Land O'Lakes, Inc. (Respondent) jointly move for a second four week extension of time for both parties to submit prehearing exchange documents. Section 22.7(b) of the Consolidated Rules provides that the Presiding Officer may grant an extension of time for filing any document if there is a showing of good cause and after consideration of prejudice to other parties.

The parties have reached settlement in principle in this matter, and are now negotiating the terms of a Supplemental Environmental Project (SEP) that Respondent has agreed to perform as part of the settlement of this matter. Part of the SEP includes installing pollution monitoring and alarm equipment to several of its production processes. Respondent is diligently working to identify and submit to Complainant the technical details fo the SEP, which Complainant must

review and approve. The parties believe that additional time to complete the negotiation of the SEP, which will then be documented as part of the parties settlement agreement, is in the best interest of both parties. Administrative Law Judge Spencer T. Nissen's July 13th, 2007 Order Granting Joint Motion for Extension of Time requires Complainant and Respondent to file and exchange the parties' prehearing information in accordance with Rule 22.19 of the Consolidated Rules by September 14, 2007. By this Motion, the parties respectfully request that the date for the exchange of prehearing information be extended until October 12, 2007.

If this Motion is granted, Complainant and Respondent intend to submit a signed Consent Agreement and Final Order (CAFO) no later than October 12, 2007. Should the parties be unable to document their settlement with a CAFO by that time, they will file and exchange their prehearing information. Both parties agree to the requested extension, and neither party would be prejudiced by such an extension. Complainant and Respondent therefore respectfully request the granting of this Motion.

Respectfully submitted,



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CERTIFICATE OF SERVICE

I hereby certify that the foregoing Motion for Extension of Time was sent on this the 29th day of August, 2007, in the following manner to the below addressees:

Original and One Copy Hand delivered to:


Sonja Brooks-Woodard
Regional Hearing Clerk
U.S. EPA - Region 5
77 West Jackson Boulevard, E-13J
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By fax and EPA Pouch Mail:

The Honorable Spencer T. Nissen, Administrative Law Judge
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