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September 19, 2013
Via Overnight UPS Service

Regional Hearing Clerk (E-19J)
U.S. Environmental Protection Agency, Region 5
77 W. Jackson Boulevard
Chicago, IL 60604

RE: Mille Lacs Soil Service Association, Foreston, MN
Docket No. CAA-05-2013-0033
Our File No. 23509



Dear Regional Hearing Clerk:

Enclosed you will find the Original and one copy of Mille Lacs Soil Service Association's Motion for Extension of Time in Which to Respond to the Administrative Complaint, in response to the Administrative Complaint and Notice of Opportunity for Hearing filed by Richard C. Karl, Director, Superfund Division, dated July 19, 2013, proposed Order pertaining to the motion and Certificate of Service. By copy of this letter to Mary McAuliffe, service is made on U.S. Environmental Protection Agency.

Please file the Motion in your usual manner. Thank you for your time and consideration.

Very truly yours,

Lind, Jensen, Sullivan & Peterson
A Professional Association

A handwritten signature in blue ink, appearing to read "Thomas D. Jensen".

Thomas D. Jensen
thomas.jensen@lindjensen.com

TDJ/bal

Enclosures

cc: Mary McAuliffe (C-14J), w/enc., via Overnight UPS Service
Steve Scherek, Manager, MLSSA, via U.S. Mail

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5

In the Matter of:

Mille Lacs Soil Service Association
Foreston, Minnesota,

Respondent.

Docket No. CAA-05-2013-0033

Proceeding to Assess a Civil Penalty
Under Section 113(d) of the Clean Air
Act, 42 U.S.C. § 7413(d)



**MOTION FOR EXTENSION OF TIME IN WHICH TO RESPOND TO THE
ADMINISTRATIVE COMPLAINT**

TO: ANN L. COYLE (OR OTHER ASSIGNED) PRESIDING OFFICER AND MARY
MCAULIFFE (C-14J) ASSOCIATE REGIONAL COUNSEL, U.S.
ENVIRONMENTAL PROTECTION AGENCY, REGION 5, 77 W. JACKSON
BOULEVARD, CHICAGO, IL 60604:

I. NEED FOR AN EXTENSION

On or about July 26, 2013, Mille Lacs Soil Service Association ("MLSSA") received the Administrative Complaint in the above-captioned matter. The Administrative Complaint alleges, *inter alia*, that MLSSA was late in filing a Risk Management Plan ("RMP") associated with its anhydrous ammonia facility. On information and belief, MLSSA filed an RMP on April 5, 2013. Being content with its filing of the RMP, and being unsophisticated in the ways of U.S. Environmental Protection Agency procedures, MLSSA did not respond to the Administrative Complaint.

By letter dated September 10, 2013 and sent via certified mail, U.S. EPA advised MLSSA it had not received a response to the Administrative Complaint and reiterated MLSSA's obligation to file a written Answer within 30 days after receipt of the Administrative Complaint. EPA urged MLSSA to give the matter "your immediate attention."

On September 17, 2013 the undersigned counsel was contacted by, and met with, MLSSA to learn background details of the situation. In the course of the conference the undersigned counsel was privileged to discuss the matter with Mary McAuliffe, Associate Regional Counsel of EPA. Additional details pertaining to the situation were learned in the course of the teleconference. On information and belief, MLSSA intends to try to sell the anhydrous ammonia aspect of its business. Given that the RMP has been filed, and that MLSSA may not continue the anhydrous ammonia aspect of its business, it seems prudent for the parties to attempt to negotiate a resolution of the controversy near term, in lieu of proceeding with the cost and uncertainty of litigation. Thus, an extension is necessary to explore the opportunities for settlement so that the parties can avoid incurring unnecessary litigation costs. Based on the results of this initial investigation, MLSSA requests a thirty (30) day extension of the deadline for filing an Answer or other response to the Administrative Complaint. I am authorized to state that attorney McAuliffe on behalf of EPA has no objection to MLSSA's request for an extension of time.

II. AUTHORITY TO GRANT AN EXTENSION

The Presiding Officer may grant an extension of time for filing any document, including a written Answer to an Administrative Complaint, upon timely motion of a party to the proceeding, for good cause shown, and after consideration of prejudice to other parties, under the Consolidated Rules of Practice, 40 C.F.R. §§22.4(c)(10) and 22.7(b).

III. REQUEST FOR AN EXTENSION

As there appears to be no prejudice to any other party and there is good cause for an extension of time in which to file a response to the Administrative Complaint, MLSSA

respectfully requests that the time for filing an Answer or other response to the Administrative Complaint be extended until October 15, 2013. A proposed Order is attached.

Respectfully submitted,

Dated: 9-19, 2013

Lind, Jensen, Sullivan & Peterson
A Professional Association



Thomas D. Jensen, State Bar No. 50179
Attorneys for Respondent
901 Marquette Avenue South, Suite 1300
Minneapolis, Minnesota 55402
(612) 333-3637



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5

In the Matter of:

Docket No. CAA-05-2013-0033

Mille Lacs Soil Service Association
Foreston, Minnesota,

Respondent.



Proceeding to Assess a Civil Penalty
Under Section 113(d) of the Clean Air
Act, 42 U.S.C. § 7413(d)

**ORDER GRANTING MOTION FOR EXTENSION OF TIME IN WHICH TO
RESPOND TO THE ADMINISTRATIVE COMPLAINT**

Respondent has filed Motion for Extension of Time, seeking an additional 30 days with which to answer or otherwise respond to the Administrative Complaint in the above-captioned matter. Respondent has stated that it intends to explore settlement options immediately to attempt to avoid the cost and uncertainty of litigation. Respondent avers that the U.S. Environmental Protection Agency does not oppose the motion.

It appears the Respondent was served with the Administrative Complaint on or about July 26, 2013. Respondent did not respond in a timely manner. U.S. EPA thereupon urged Respondent to respond to its communications by letter dated September 10, 2013. Respondent thereupon engaged counsel. Reasons have been offered relating to Respondent's delay. Although the instant motion may be out of time, in the interest of efficient adjudication of this matter, however, the undersigned judicial officer will allow and consider the motion.

Pursuant to 40 C.F.R. §§22.4(c)(10) and 22.7(b) and for good cause shown, Respondent's Motion for Extension of Time is GRANTED. Respondent will have an additional 30 days, until and including **October 16, 2013**, to file an Answer to the Administrative Complaint or otherwise plead in this matter.

IT IS SO ORDERED.

Dated: _____, 2013

Ann L. Coyle
Regional Judicial Officer
U.S. EPA Region 5

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5

In the Matter of:)
) Docket No. CAA-05-2013-0033
)
Mille Lacs Soil Service Association)
Foreston, Minnesota,) **Proceeding to Assess a Civil Penalty**
) **Under Section 113(d) of the Clean Air**
) **Act, 42 U.S.C. § 7413(d)**
)
Respondent.)

CERTIFICATE OF SERVICE

STATE OF MINNESOTA)
)SS
COUNTY OF HENNEPIN)



Barbara A. Larsien of the City of Plymouth, County of Hennepin, State of Minnesota, being duly sworn, says that on September 19, 2013 she served the annexed:

- Mille Lacs Soil Service Association's Motion for Extension of Time in Which to Respond to the Administrative Complaint; and
- proposed Order Granting Motion for Extension of Time in Which to Respond to the Administrative Complaint

upon the following person(s) in this action, by Overnight UPS Service to said person(s) a copy thereof, enclosed in an envelope, postage prepaid, and by depositing the same in the post office at Minneapolis, Minnesota, directed to said person(s) as follows:

Original and One Copy to:
Regional Hearing Clerk (E-19J)
U.S. Environmental Protection Agency, Region 5
77 W. Jackson Boulevard
Chicago, IL 60604

One Copy to:
Mary McAuliffe (C-14J)
Associate Regional Counsel
U.S. Environmental Protection Agency, Region 5
77 West Jackson Boulevard
Chicago, IL 60604

Barbara A. Larsien
Barbara A. Larsien

Subscribed and sworn to before me
on September 19, 2013.

Nicky Woolhouse

Notary Public

