

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY

BEFORE THE ADMINISTRATOR

In the Matter of:

Wilkins Dairy Farm, LLC,

Respondent.

)
)
)
)
)

Docket No. CWA-02-2010-3404

REGIONAL HEARING
CLERK

2010 DEC 17 A 11: 28

U.S. ENVIRONMENTAL
PROTECTION AGENCY-REG.11

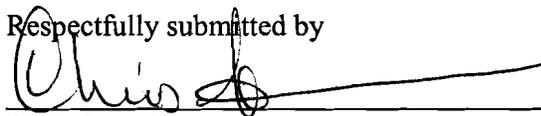
**JOINT MOTION FOR TEMPORARY STAY
OF THE ADMINISTRATIVE PROCEEDING**

On October 18, 2010, Chief Administrative Law Judge Biro issued an order initiating alternative dispute resolution ("ADR") with Administrative Law Judge Spencer T. Nissan in the above matter. Pursuant to that order, the ADR process is scheduled to expire on December 17, 2010.

On December 16, 2010, the parties convened a second ADR conference call with Judge Nissan where they described the steps they had taken toward reaching a settlement, including the submission and preliminary analysis of Respondent's financial information. Complainant represented that it needs additional time, and perhaps additional information from Respondent, to determine whether a reduction in the proposed penalty is appropriate. Accordingly, the parties jointly asked Judge Nissan for additional time to complete their negotiations. Judge Nissan directed Complainant to move, on behalf of both parties, for a thirty (30) day stay of the administrative proceeding and extension of the ADR process.

Therefore, the parties hereby jointly move for a thirty (30) day stay of the administrative proceeding and extension of the ADR process, until Tuesday, January 18, 2011.

Respectfully submitted by



Chris Saporita
Assistant Regional Counsel
U.S. Environmental Protection Agency
290 Broadway
New York, NY 10007

Dated: December 16, 2010

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY

BEFORE THE ADMINISTRATOR

In the Matter of:)
)
Wilkins Dairy Farm, LLC,) Docket No. CWA-02-2010-3404
)
Respondent.)

CERTIFICATE OF SERVICE

I certify that the foregoing **Joint Motion for Temporary Stay of the Administrative Proceeding**, dated December 16, 2010, was sent this day in the following manner to the addressees listed below:

Original and One Copy)
By Hand:) Office of Regional Hearing Clerk
) U.S. Environmental Protection Agency - Region 2
) 290 Broadway, 16th floor
) New York, New York 10007-1866

Copy by Certified Mail)
Return Receipt Requested:) Administrative Law Judge Spencer T. Nissan
) Office of Administrative Law Judges
) United States Environmental Protection Agency
) Mail Code 1900L
) 1200 Pennsylvania Avenue, NW
) Washington, DC 20005

Scott Wilkins
Wilkins Dairy Farm, LLC
5811 Unionville Road
Bath, NY 14810

David L. Cook, Esq.
Faraci Lange
28 East Main Street, Suite 1100
Rochester, NY 14614

Dated: DEC 17 2010



Ana Madera
Secretary
U.S. Environmental Protection Agency
290 Broadway
New York, NY 10007