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BEFORE THE UNITED STATES 25 AM II: 05 ENVIRONMENTAL PROTECTION AGENCY

REGION III GLERA REGION III. PHILA. PA

Philadelphia, Pennsylvania 19103-2029

In The Matter of:

Melvin Petersheim 260 W. Hernley Road Manheim, PA 17545

and

Moses Petersheim 320 W. Hemley Road Manneim, PA 17545

Respondents

Proceeding to Assess a Class II Administrative Penalty Under Section 309(g) of the Clean Water Act

Docket No. CWA-03-2010-0371

COMPLAINANT'S MOTION FOR A STAY OF THE PROCEEDINGS

The Complainant, the Environmental Protection Agency, hereby submits this Motion for A Stay of the Proceedings, and in support thereof avers the following.

- 1. The parties to this action have reached an agreement in principle, which has been memorialized in a draft Consent Agreement and Final Order.
- 2. The Complainant has provided a copy of the draft Consent Agreement and Final Order to the Respondents for their review.
- 3. The Complainant anticipates that the Consent Agreement and Final Order will be executed by the parties within the next thirty (30) days.

- 4. The Complainant believes that the settlement of this matter, prior to hearing, is in the best interest of justice.
- 5. The Respondents support this Motion.

Wherefore, the Complainant, though its counsel respectfully requests that the Court grant this Motion for a Stay of the Proceedings.

Respectfully submitted,

Andrew Duchovnay

Senior Assistant Regional Counsel EPA, Region III

In Re: Melvin Petersheim and Moses Petersheim. Docket No. CWA-03-2010-0371

CERTIFICATE OF SERVICE

I certify that on this date I filed the Complainant's Motion for a Stay of the Proceedings with the Regional Hearing Clerk and directed that copies be mailed to the following persons:

Copy by EPA Pouch mail to:

The Honorable Susan L. Biro, Chief Administrative Law Judge Office of Administrative Law Judges U.S. Environmental Protection Agency 1099 14th Street, N.W., Suite 350 Washington, DC 20005

By first class mail to:

Thomas Creighton 47 Market Square Manheim, PA 17545

Date: 8/25/11

Andrew Duchovnay

Sr. Asst. Regional Counsel