

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 8

2008 JAN 31 PM 1:40

FILED
EPA REGION VIII
HEARING CLERK

IN THE MATTER OF:)
)
City of Flandreau)
1005 W. Elm Avenue)
Flandreau, SD 57028-0343)
)
Respondent.)
_____)

Docket No. TSCA-08-2007-0016

JOINT MOTION TO EXTEND ALTERNATIVE DISPUTE RESOLUTION

The City of Flandreau, Respondent, and the Environmental Protection Agency (EPA), Complainant, (jointly, the Parties) hereby jointly move for a second thirty (30) day extension of the Alternative Dispute Resolution (ADR) period in this matter, until and including March 5, 2008. As support for requesting this extension, the Parties state as follows:

1. the Parties have reached an agreement in principal in this matter and are in the process of reducing that agreement to writing;
2. as part of the settlement, the Respondent would like to undertake a Supplemental Environmental Project (SEP) and the additional time period would allow the parties to agree on an appropriate SEP; and,
3. the Parties believe that progress towards concluding this matter is being achieved and the extension, if granted, will further the possibility of a final settlement without a hearing.

The Respondent's attorney in this matter, James A. Billion, has authorized EPA to file this Joint Motion for the Respondent

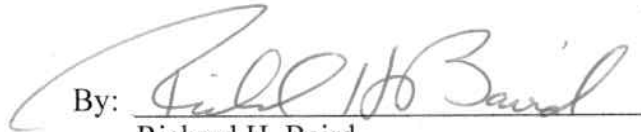
WHEREFORE, the Parties respectfully request an additional 30 days until and including March 5, 2008 to continue the ADR process.

Respectfully submitted,

Date:

1/31/08

By:



Richard H. Baird
Senior Enforcement Attorney
Legal Enforcement Program
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IN THE MATTER OF: City of Flandreau
EPA Docket No. TSCA-08-2007-0016

CERTIFICATE OF SERVICE

I hereby certify that the attached JOINT MOTION TO EXTEND ALTERNATIVE DISPUTE RESOLUTION, dated January 31, 2008, was served as follows:

The original and one copy was hand carried to:

Regional Hearing Clerk
U.S. EPA, Region 8 (8RC)
1595 Wynkoop Street
Denver, CO 80202-1129

A copy was sent by pouch mail to:

The Honorable Spencer T. Nissen
U.S. Environmental Protection Agency
Office of Administrative Law Judges, MC 1900L
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460-2001

A copy was sent by regular mail to:

James A. Billion
Ellingson Law Office
P.O. Box 324
Flandreau, SD 57028-0324

1/31/2008
Date

Judith M. McTernan
Judith McTernan