



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

77 WEST JACKSON BOULEVARD

CHICAGO, IL 60604-3590

REPLY TO THE ATTENTION OF:

C-14J

April 26, 2012

The Honorable Susan L. Biro, Chief Administrative Law Judge  
Office of Administrative Law Judges  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, N.W., Mail Code 1900L  
Washington, D.C. 20460

Re: In the Matter of Summit Cold Storage Corporation, Docket No. EPCRA-05-2012-0006

Dear Judge Biro:

Enclosed please find a Joint Motion for Stay of Proceedings in the above-mentioned matter.

Sincerely,

A handwritten signature in cursive script that reads "Cathleen R. Martwick".

Cathleen R. Martwick  
Associate Regional Counsel

RECEIVED

APR 26 2012

REGIONAL HEARING CLERK  
U.S. ENVIRONMENTAL  
PROTECTION AGENCY

Enclosure

cc: Lloyd M. Sonenthal (w/ encl.)

UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY

BEFORE THE ADMINISTRATOR

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PROTECTION AGENCY

In the Matter of: )  
)  
Summit Cold Storage Corporation, ) Docket No. EPCRA-05-2012-0006  
)  
Respondent. )

**JOINT MOTION FOR STAY OF PROCEEDINGS**

Comes now Complainant United States Environmental Protection Agency (“EPA”) and Respondent McCook Cold Storage (hereinafter “Parties”), through counsel, pursuant to Rule 22.16(a) of the Consolidated Rules of Practice (40 C.F.R. § 22.16(a), and respectfully request a sixty (60) day stay of proceedings in the above-referenced matter and as grounds therefore state as follows:

The Parties have been engaged in the following mediation activities:

- 4/3/12 receipt and review of four mediation candidate letters/resumes
- 4/6/12 EPA submittal of candidate rankings
- 4/13/12 Summit Cold Storage submittal of candidate rankings
- 4/19/12 EPA interview of two mediation candidates
- 4/20/12 selection of mediator James Kohanek
- 4/25/12 Summit’s first phone call with mediator
- TBD First joint phone call regarding process and logistics. The Parties are planning to conduct this call the week of April 30<sup>th</sup>, but are still finalizing the date and time.

The Parties are currently in the process of conducting preliminary telephone calls with the mediator in order to schedule the first substantive mediation session. The parties are working diligently on mediation efforts. The Parties have selected James Kohanek, a full-time mediator with over 25 years of experience in environmental matters. The Parties believe a stay of proceedings will assist the Parties in determining whether a settlement can be reached in this matter.

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PROTECTION AGENCY

Respectfully Submitted,

Counsel for EPA:

4/26/12  
Date

Cathleen R. Martwick

Cathleen R. Martwick, Associate Regional Counsel  
Office of Regional Counsel  
U.S. EPA Region 5  
77 West Jackson Blvd.  
Chicago, IL 60604

Counsel for Respondent,

4/26/2012

Date

Lloyd M. Sonenthal

Lloyd M. Sonenthal  
Attorneys at Law  
Three First National Plaza  
70 West Madison Street, Suite 400  
Chicago, Illinois 60602

**CERTIFICATE OF SERVICE**

**In the Matter of Summit Cold Storage Corporation**  
**Docket No. EPCRA-05-2012-0006**



Certificate of Service

I certify that the foregoing "Joint Motion for Stay of Proceedings," dated April 26, 2012, was sent this day in the following manner to the addresses listed below:

Original and one copy hand-delivered to:

Regional Hearing Clerk  
U.S. EPA, Region 5  
77 West Jackson Boulevard  
Chicago, Illinois 60604

Copy via Regular Mail to:

Attorneys for Respondent:

Summit Cold Storage Corporation  
c/o Lloyd M. Sonenthal  
Attorneys at Law  
Three First National Plaza  
70 West Madison Street, Suite 400  
Chicago, Illinois 60602

Presiding Judge:

The Honorable Susan L. Biro, Chief Administrative Law Judge  
Office of Administrative Law Judges  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, N.W., Mail Code 1900L  
Washington, D.C. 20460

4/26/12  
Date

*Susan L. Biro*