

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
BEFORE THE ADMINISTRATOR

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REGIONAL HEARING CLERK  
U.S. ENVIRONMENTAL  
PROTECTION AGENCY

In the Matter of: )

Barron County Waste to Energy Facility, )

Respondent )

) Docket No. CAA-05-2008-0033  
)  
)  
)

**ORDER GRANTING JOINT MOTION FOR EXTENSION OF TIME**

A Prehearing Order dated October 23, 2008 was issued in this proceeding, directing the parties to submit a Consent Agreement and Final Order (CAFO) if this matter is settled or Complainant to file its prehearing exchange on December 12, 2008. Further, the Order directed Respondent to file its prehearing exchange on January 2, 2009 and Complainant to file any rebuttal thereto on January 16, 2009. On December 8, 2008, the parties submitted a Joint Motion for Extension of Time, requesting a 30-day extension of the due dates set forth in the Prehearing Order.

The Motion states that counsel for Complainant was unavailable due to surgeries, from October 8 through 29 and November 24 through December 2, and that the parties have reached a settlement in principle of this matter. A Status Report dated November 20 indicates that the parties had achieved a settlement in principle and that Complainant expected to provide Respondent with a CAFO for signature in a couple of weeks.

Good cause exists for granting the Motion in that it is in the interest of the parties to settle this matter on amicable terms rather than to litigate this matter to a conclusion. In that a hearing has not yet been scheduled in this proceeding, a brief delay will not result in any prejudice.

Accordingly, the Joint Motion for Extension of Time is hereby **GRANTED**. The parties shall file a fully executed CAFO in this matter or Complainant shall file its prehearing exchange on or before **January 13, 2009**. If a CAFO has not been filed beforehand, Respondent shall file its prehearing exchange on or before **February 12, 2009**, and Complainant shall file any rebuttal thereto on or before **February 16, 2009**.



\_\_\_\_\_  
Susan L. Biro  
Chief Administrative Law Judge

Dated: December 16, 2008  
Washington, D.C.

In the Matter of Barron County Waste To Energy Facility, Respondent  
Docket No. CAA-05-2008-0033

CERTIFICATE OF SERVICE

I certify that the foregoing **Order Granting Joint Motion For Extension Of Time**, dated December 16, 2008, was sent this day in the following manner to the addressees listed below:

  
\_\_\_\_\_  
Maria Whiting Beale  
Staff Assistant

Dated: December 16, 2008

Original and One Copy by Pouch Mail to:

Tywanna Greene  
Acting Regional Hearing Clerk  
U.S. EPA  
77 West Jackson Boulevard, E-13J  
Chicago, IL 60604-3590

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Chicago, IL 60604-3590

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