

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY

BEFORE THE ADMINISTRATOR

In the Matter of:)
)
Wilkins Dairy Farm, LLC,)
)
Respondent.)

Docket No. CWA-02-2010-3404

U.S. ENVIRONMENTAL
PROTECTION AGENCY-REG.11
2011 MAR -2 P 3:52
REGIONAL HEARING
CLERK

**JOINT MOTION FOR EXTENSION OF TIME TO FILE
THE CONSENT AGREEMENT AND FINAL ORDER**

On February 7, 2010, Judge Biro issued an Initial Prehearing Order in the above-captioned matter, in which she ordered the parties to file a fully executed Consent Agreement and Final Order (CAFO) no later than March 1, 2011. Since that time, the parties have diligently endeavored to complete the drafting, negotiation, and management review of the CAFO in the three weeks allotted. However, due to difficulties in coordinating the schedules of the twelve individuals involved in the process, three weeks has proven too short a time for the parties to finalize the agreement. On February 28, 2011, Complainant notified Judge Biro's clerk by email that the parties would be unable to comply, and requested a two-week extension of the time to file the finalized CAFO. By email response on March 1, 2011, the parties were instructed to file a formal motion for extension.

As noted in the February 28, 2011 correspondence, Respondent has agreed to the terms of EPA's draft CAFO, and the document is currently in concurrence at the agency. Given the number of people who need to approve it, the delivery time back and forth, and the final reviews and signatures, it may take up to two weeks before the parties can file the fully executed CAFO. As also noted, the requested extension would cause no prejudice to the Respondent. In fact, if granted, the extension would effectively defer the due dates for payment of the penalty by two weeks. Therefore, on behalf of the parties, Complainant hereby requests a two week extension of the date for complying with the Initial Prehearing Order, until March 14, 2011.

Respectfully submitted by



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

Dated: March 2, 2011

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 Extension of Time to File the Consent Agreement and Final Order**, dated March 2, 2011, 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

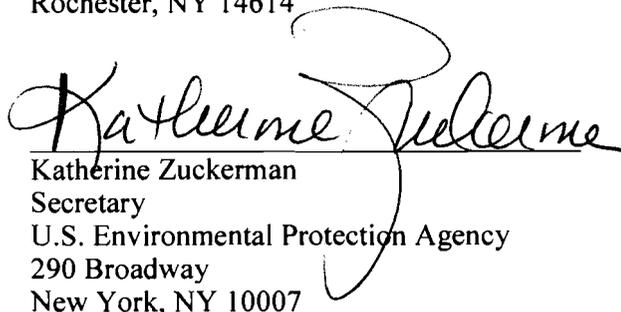
Copy by Certified Mail
Return Receipt Requested:

Chief Administrative Law Judge Susan L. Biro
Office of Administrative Law Judges
United States Environmental Protection Agency
Mail Code 1900L
1200 Pennsylvania Avenue, NW
Washington, DC 20460-2001

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: 3/2/11


Katherine Zuckerman
Secretary
U.S. Environmental Protection Agency
290 Broadway
New York, NY 10007