



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

REPLY TO THE ATTENTION OF:

C-14J

June 11, 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 McCook Cold Storage Corporation, Docket No. EPCRA-05-2012-0005

Dear Judge Biro:

Enclosed please find a Renewed 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

Enclosure

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

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY

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U.S. EPA REGION 5

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BEFORE THE ADMINISTRATOR

In the Matter of:)
)
McCook Cold Storage Corporation,) Docket No. EPCRA-05-2012-0005
)
Respondent.)

RENEWED JOINT MOTION FOR STAY OF PROCEEDINGS

Comes now Complainant United States 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
- 5/3/12 First joint phone call regarding process and logistics with the mediator
- 5/8/12 The Parties had individual calls with the mediator
- 5/16/12 The Parties held a face-to-face mediation session
- 5/16/12 EPA requested financial information from Respondent in support of its inability to pay claim and submission of additional information on the supplemental environmental project (SEP) proposals previously submitted
- 5/21/12 EPA received financial information from Respondent
- 5/22/12 Respondent submitted additional financial information to EPA
- 5/25/12 EPA requested clarification of financial information from Respondent and asked for status of SEP proposal
- 5/29/12 Respondent submitted additional financial information to EPA
- 6/5/12 EPA notified Respondent that some previously requested information had yet to be provided

In the Matter of McCook Cold Storage Corporation

Docket No. EPCRA-05-2012-0005

- 6/5/12 Respondent provided additional financial information
- 6/6/12 Respondent provided additional financial information
- 6/7/12 The Parties held a joint conference call with the mediator, the Parties scheduled another joint conference call for June 15, EPA requested additional financial information and again requested SEP proposal information

Although the Parties have not yet reached a settlement, they are diligently working on mediation efforts. Respondent has submitted a significant amount of financial information in support of its inability to pay claim. During EPA's evaluation of the material, EPA has found the need to request additional financial documentation and explanation of other documentation. Each time EPA has requested additional financial information Respondent has provided information. Respondent anticipates providing additional financial documentation in response to EPA's June 7 request as early as Monday, June 11. Once received EPA will expeditiously evaluate the information. Additionally, the Respondent intends to submit a SEP proposal for EPA's review in the near future. EPA will also expeditiously evaluate the SEP proposal. The Parties believe the time allowed by a stay of proceedings will assist the Parties in determining whether a settlement can be reached in this matter.

In the Matter of McCook Cold Storage Corporation
Docket No. EPCRA-05-2012-0005

Respectfully Submitted,

Counsel for EPA:

6/11/12

Date



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,

6/11/12

Date



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

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In the Matter of McCook Cold Storage Corporation
Docket No. EPCRA-05-2012-0005

CERTIFICATE OF SERVICE

I certify that the foregoing "Joint Motion for Stay of Proceedings," dated June 11, 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:

McCook 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

6/11/12



CHARLES RODRIGUEZ, STUDENT AIDE

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