



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

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BEFORE THE ADMINISTRATOR

In the Matter of:)
TNT General Contracting, Inc.,) Docket Nos. RCRA-07-2012-0020
Webb Minerals, LLC, and Trustee(s) of) CWA-07-2012-0029
the Gary and Carol Trump Trust (U/T/A),)
Respondents.)

ORDER GRANTING MOTION TO STAY PROCEEDINGS

The United States Environmental Protection Agency, Region 7 ("Agency"), initiated this proceeding on June 19, 2012, by filing a Complaint and Notice of Opportunity for Hearing ("Complaint") against TNT General Contracting, Inc., Webb Minerals, LLC, and Trustee(s) of the Gary and Carol Trump Trust (U/T/A) (collectively "Respondents").

The parties elected to participate in the Alternative Dispute Resolution ("ADR") process offered by the Office of Administrative Law Judges, and an Order initiating that process was issued on September 18, 2012. The Order indicated that the ADR process would terminate on November 19, 2012, unless otherwise extended or terminated.

request a stay in this proceeding once the matter was referred to an Administrative Law Judge for a hearing, pending completion of the activities required by the UAO and the execution of an agreement between MDNR, TNT General Contracting, Inc., and the Trustee(s) of the Gary and Carol Trump Trust (U/T/A) regarding the payment of penalties and any injunctive relief. Status Report ¶ 5. The Status Report states that the Agency would proceed with settlement negotiations with Webb Minerals, LLC. *Id.*

On December 26, 2012, the Neutral ALJ issued a Report Recommending Termination of Alternative Dispute Resolution Process and Assignment of a Judge for Litigation (“Second Report”). The Second Report states that while the parties had successfully used the ADR process to “negotiate a framework for a possible settlement” they had not yet reached an agreement. On January 29, 2013, the Agency filed a Motion for a Stay in Proceedings (“Motion”). In its Motion, the Agency requests that the proceedings be stayed for a period of ninety days. Motion ¶ 4. The Agency explains that a stay is necessary to give MDNR, TNT General Contracting, Inc., and the Trustee(s) of the Gary and Carol Trump Trust (U/T/A) time to reach an enforceable consent agreement “regarding penalties and other relief.” Motion ¶ 4. The Motion indicates that Webb Minerals, LLC, was not included in the MDNR request for an enforcement action. Motion ¶ 2. The Motion concludes that counsel for the Agency has consulted with counsel for Respondents and that Respondents do not intend to oppose the Motion. Motion ¶ 5.

According to the Rules of Practice, the Presiding Officer “may grant an extension of time for filing any document: upon timely motion of a party to the proceeding, for good cause shown, and after consideration of prejudice to other parties; or upon its own initiative.” 40 C.F.R. § 22.7(b).

Good cause exists to grant the stay, the ninety-day period requested is not excessive, and the Motion is unopposed. It is in the interest of the parties and judicial economy to allow the parties to reach a final consent agreement with MDNR. Accordingly, the Motion is **GRANTED** and this proceeding is stayed for ninety days from the date of this order. The parties are hereby **ORDERED** to file Status Reports updating the undersigned on the progress of the MDNR agreement and any settlement negotiations on or before **March 1, 2013, April 5, 2013, and May 3, 2013.**

SO ORDERED.




Susan L. Biro
Chief Administrative Law Judge

Dated: February 6, 2013
Washington, DC

In the Matter of TNT General Contracting, Inc., Webb Minersls, LLC and Trustee (s) of the Gary and Carol Trump Trust (U/T/A). Respondent
Docket Nos. RCRA-07-2012-0020 and CWA-07-2012-0029

CERTIFICATE OF SERVICE

I certify that the foregoing **Order Granting Motion To Stay Proceedings**, dated February 5, 2013, was sent this day in the following manner to the addressees listed below.



Maria Whiting-Beale
Staff Assistant

Dated: February 5, 2013

Original And One Copy To:

Sybil Anderson
Headquarters Hearing Clerk
U.S. EPA
Mail Code 1900L
1200 Pennsylvania Avenue, NW
Washington, DC 20460-2001

Copy By Regular Mail To:

Belinda Holmes, Esquire
Senior Counsel, Chemical Mngt. Branch
U.S. EPA
11201 Renner Boulevard
Lenexa, KS 66219

Ron Hobbs, Esquire
Husch Blackwell, LLC
190 Carondelet Plaza, Suite 600
St. Louis, MO 63105

David A. Schorr, Esquire
Lathrop & Gage, LLP
314 East High Street
Jefferson City, MO 65101

Kristen Ellis Johnson, Esquire
Lathrop & Gage, LLP
2345 Grand Boulevard, Suite 2200
Kansas City, MO 64108