

UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY  
  
BEFORE THE ADMINISTRATOR

In the Matter of:

Misch Excavating, LLC,  
d/b/a Rooterman,

Respondent.

)  
)  
)  
)  
)  
)

Docket No. CWA-05-2011-0003

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

By Order dated June 13, 2011, the undersigned scheduled a hearing in the above-captioned matter to commence on November 15, 2011, and directed the parties to file a Joint Set of Stipulated Facts, Exhibits, and Testimony ("Joint Stipulations") on or before October 21, 2011, and any prehearing briefs on or before October 28, 2011. On October 11, 2011, Complainant filed a Status Report notifying the undersigned that "[t]he parties have reached an agreement in principle as to a settlement amount, subject to senior management approval, and are finalizing minor language of a Consent Agreement and Final Order (CAFO)." The parties simultaneously filed a Joint Motion for Extension of Time, in which the parties seek an extension of the filing deadlines of the Joint Stipulations and prehearing briefs. Specifically, the parties request that the undersigned extend those deadlines to November 15, 2011, to provide the parties the opportunity to finalize and obtain approval of their CAFO.

For good cause shown, the parties's Joint Motion for Extension of Time is hereby **GRANTED**. As previously noted, the hearing in this matter is currently scheduled to commence on November 15, 2011. In view of the parties' representations, the hearing is hereby **STAYED**. The parties are **ORDERED** to file a fully executed CAFO no later than **November 15, 2011**, with a copy contemporaneously sent to the undersigned by facsimile or mail, or, in the alternative, file Joint Stipulations and any prehearing briefs on or before that date. The parties are hereby advised that, should they file Joint Stipulations and any prehearing briefs on or before November 15, 2011, rather than a fully executed CAFO, the hearing in this matter will promptly be rescheduled.

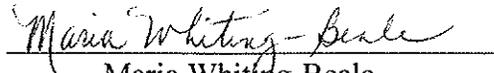
  
\_\_\_\_\_  
Susan L. Biro  
Chief Administrative Law Judge

Dated: October 17, 2011  
Washington, D.C.

In the Matter of MISCH Excavating, LLC d/b/a Rooterman, Respondent  
Docket No. CWA-05-2011-0003

CERTIFICATE OF SERVICE

I certify that the foregoing **Order Granting Joint Motion For Extension Of Time**, dated October 17, 2011, was sent this day in the following manner to the addressees listed below:

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

Dated: October 17, 2011

Original And One Copy By Pouch Mail To:

La Dawn Whitehead  
Regional Hearing Clerk  
U.S. EPA  
77 West Jackson Boulevard, E-19J  
Chicago, IL 60604-3590

Copy By Pouch Mail And Facsimile To:

Maria Gonzalez, Esquire  
Joseph Williams, Esquire  
Associate Regional Counsel  
U.S. EPA  
77 West Jackson Boulevard, C-14J  
Chicago, IL 60604-3590

Copy By Regular Mail And Facsimile To:

Thomas W. Daggett, Esquire  
Daggett Law Firm  
161 North Clark Street, Suite 4950  
Chicago, IL 60601