

REGION 7
11201 RENNER BOULEVARD
LENEXA, KANSAS 66219

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IN THE MATTER OF:)
)
TNT General Contracting, Inc.)
Rural Route 3 Box 78C)
Kahoka, Missouri 63445)
)
Webb Minerals, LLC.)
1261 Maine Street)
Quincy, Illinois 62360)
)
and)
Trustee(s))
of the Gary and Carol Trump Trust (U/T/A))
Kahoka, Missouri 63445)
)
Respondents)
)
Proceeding under Section 3008(a) and (g) of the)
Resource Conservation and Recovery)
Act as amended, 42 U.S.C. § 6928 (a) and (g))
and)
Section 309(g) of the Clean Water Act,)
33 U.S.C. § 1319(g))
_____)

Docket No. RCRA-07-2012-0020
CWA-07-2012-0029

MOTION FOR A STAY IN PROCEEDINGS

COMES NOW the Complainant, United States Environmental Protection Agency Region 7

(Complainant or EPA) and avers and moves as follows:

1. The Alternative Dispute Resolution (ADR) period for this matter ended on December 19, 2012, and the case was referred to Judge Susan Biro on January 2, 2013.
2. During the ADR period, discussions between Counsel for TNT General Contracting, Inc. (TNT) and the Gary and Carol Trump Trust (the Trust) and the Missouri Department of Natural Resources (MDNR) resulted in MDNR approaching EPA and requesting that EPA agree

to allow MDNR to take an enforcement action against TNT and the Trust. This request did not extend to Webb Minerals, LLC (Webb).

3. The EPA agreed to this arrangement, but advised Counsel for TNT and the Trust as well as MDNR that the EPA would not move to modify or dismiss any parties from the instant action until the MDNR enforcement action was embodied in an enforceable consent agreement. However, EPA indicated that it would move this Court to stay these proceedings to allow time for TNT, the Trust and MDNR to negotiate such an agreement.

4. The undersigned Counsel for EPA therefore respectfully requests that these proceedings be stayed for a period of ninety days to give TNT, the Trust and MDNR sufficient time to come to an agreement regarding the civil penalties to be paid by TNT and MDNR, as well as any other relief agreed to among the parties. If the ninety-day stay period should expire without TNT, the Trust and MDNR having entered into an enforceable agreement regarding penalties and other relief, EPA will evaluate at that time whether to move this Court for another stay or to advise the Court that EPA would like to proceed to hearing.

5. Counsel for Complainant hereby represents that I have consulted with Counsel for TNT and the Trust, and also with Counsel for Webb Minerals, LLC, and that none of the Respondents will oppose this motion.

Respectfully submitted,



Belinda Holmes, Senior Counsel
Office of Regional Counsel, Chemical Management Branch
U.S. EPA Region 7

*In the matter of
TNT General Contracting, Inc.,
Webb Minerals, LLC., and
Gary and Carol Trump Trust U/T/A
Certificate of Service*

CERTIFICATE OF SERVICE

I hereby certify that the original and one true and correct copy of the foregoing Motion for A Stay in Proceedings was sent via U.S. Mail, with a copy also sent via facsimile, to:

U.S. EPA Office of the Hearing Clerk
Mailcode 1900L
1200 Pennsylvania Avenue NW
Washington, DC 20460
Facsimile # (202) 564-1206

In addition, true and correct copies were sent via U.S. Mail, with scanned copies sent via e-mail, to:

Mr. Thad Trump, President
TNT General Contracting, Inc. and
The Gary and Carol Trump Trust
c/o David Shorr, Esq.
Lathrop & Gage, LLP
314 E. High Street
Jefferson City, Missouri 65101

Mr. Bob Webb
Webb Minerals LLC
P.O. Box 65 1261 Maine Street
Quincy, Illinois 62360
c/o Robert Wilkinson, Esq. and Ron Hobbs, Esq.
Husch Blackwell LLP
190 Carondelet Plaza, Suite 600
St. Louis, MO 63105

on this 25 day of January, 2013



Belinda L. Holmes
Senior Counsel
U.S. EPA, Region 7