



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

BEFORE THE ADMINISTRATOR

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REGIONAL HEARING CLERK U.S. ENVIRONMENTAL PROTECTION AGENCY

In the Matter of:

Joseph L. Bollig and Sons, Inc.

Respondent.

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Docket No. CWA-05-2011-0008

Dated: September 27, 2012

ORDER GRANTING MOTION TO STAY PROCEEDINGS

The hearing in this matter is currently scheduled to begin on October 16, 2012. On September 20, 2012, Complainant filed a Joint Motion to Stay Proceedings in this matter. In the Motion, Complainant states that the parties have reached a settlement and are in the process of finalizing a Consent Agreement and Final Order ("CAFO"). The parties therefore request that proceedings in this matter be stayed pending execution of the CAFO. Complainant states that Respondent "indicated that it does not oppose the Motion and that it may be considered a Joint Filing." Motion at 1. In a separate electronic communication, Complainant indicated that Respondent had already signed the CAFO and submitted a scanned copy of Respondent's signature dated September 19, 2012. E-mail from Thomas Turner, Assoc. Regional Counsel, U.S. EPA Region 5 (Sept. 20, 2012, 10:24 a.m. EST).

Agency policy supports settlement, and it is in the interest of the parties and of judicial economy to resolve this dispute by mutual agreement. See 40 C.F.R. § 22.18(b). Where Respondent has signed a CAFO and the pending review and countersignature by Region 5 will fully resolve this proceeding, there is good cause to provide time for the parties to complete execution of the CAFO without losing their opportunity for a hearing in the event the CAFO is not approved. In the circumstances of this case, a stay of proceedings and consequent postponement of the hearing is appropriate. A hearing may be postponed for good cause if doing so will help maintain order and promote the fair and impartial adjudication of the issues. See 40 C.F.R. §§ 22.4(c), 22.21(c).

Accordingly, the Motion is hereby GRANTED for good cause. Proceedings in this matter are hereby stayed until October 19, 2012. A fully-executed CAFO shall be filed no later than Friday, October 19, 2012.

If the parties are unable to meet this deadline, they shall prepare for a hearing in this

matter. The hearing in this matter is hereby rescheduled to begin promptly at 9:30 a.m. on Tuesday, November 13, 2012, continuing if necessary on November 14 through November 16, 2012. The Regional Hearing Clerk will make appropriate arrangements for a courtroom. The parties will be notified of the exact location and of other procedures pertinent to the hearing when those arrangements are complete.

Individuals requiring special accommodations at the hearing, including wheelchair access, should contact the Regional Hearing Clerk, as soon as possible so that appropriate arrangements can be made.

RESPONDENT IS HEREBY ADVISED THAT FAILURE TO APPEAR AT THE HEARING, WITHOUT GOOD CAUSE BEING SHOWN THEREFOR, MAY RESULT IN A DEFAULT JUDGMENT BEING ENTERED AGAINST IT. COMPLAINANT IS HEREBY ADVISED THAT FAILURE TO APPEAR AT THE HEARING MAY RESULT IN DISMISSAL OF THIS MATTER.

If either party does not intend to attend the hearing, or has good cause for not being able to attend the hearing as scheduled, it shall notify the undersigned at the earliest possible moment.

SO ORDERED.



M. Lisa Buschmann
Administrative Law Judge


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PROTECTION AGENCY**

In the ADR Matter of *Joseph L. Bollig & Sons, Inc.*, Respondent.
Docket No. CWA-05-2011-0008

CERTIFICATE OF SERVICE

I hereby certify that the foregoing **Order Granting Motion to Stay Proceedings**, dated September 27, 2012, was sent this day in the following manner to the addressees listed below.



Knolyn R. Jones
Legal Staff Assistant

Original and One Copy by Regular Mail to:

LaDawn Whitehead
Regional Hearing Clerk
U.S. EPA, Region V, MC-E-19J
77 West Jackson Blvd.,
Chicago, IL 60604-3590

One Copy by Regular Mail to:

Thomas P. Turner, Esq.
Assistant Regional Counsel
U.S. EPA, Region V
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One Copy by Regular Mail to:

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Dated: September 27, 2012
Washington, D.C.