

KANSAS DEPARTMENT OF HEALTH AND ENVIRONMENT

In re:)
RCRA Permit KSD 044625010)
Farmland Industries, Inc.)
Dodge City, Kansas)

Case No. 03-E-0092

Order Granting Joint Motion to Stay

For good cause shown, the Secretary hereby grants the Parties' Joint Motion to Stay. This Order shall stay the proceedings in this matter regarding Koch's pending Motion for Reconsideration through and including January 13, 2004.

KANSAS DEPARTMENT OF
HEALTH AND ENVIRONMENT

By: *John J. Prof*

Date: 9-8-03



KANSAS DEPARTMENT OF HEALTH AND ENVIRONMENT

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RCRA Permit KSD 044625010)
Farmland Industries, Inc.)
Dodge City, Kansas)
_____)

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Joint Motion to Stay

The Kansas Department of Health and Environment (“KDHE”) and Koch Nitrogen Company (“KNC”) (hereinafter collectively the “Parties”) jointly file this motion seeking an order staying all proceedings in this matter through and including January 13, 2004, to allow the parties to continue their ongoing settlement discussions. Specifically, the Parties request that no action be taken by the KDHE Secretary (the “Secretary”) on KNC’s pending Motion for Reconsideration until after January 13, 2004.

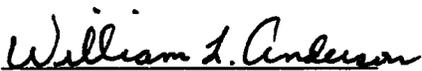
In support of this Motion, the Parties state that since the granting of the initial stay in this matter the Parties have initiated and continued dialogue on issues related to the hazardous waste management facility permit that was issued by KDHE and the U.S. Environmental Protection Agency, and that the Parties believe there is a reasonable likelihood that they will resolve their disputes without the need for the Secretary to review this matter further. The Parties further state that a stay for the period through and including January 13, 2004 is necessary for the Parties to review the issues thoroughly and, assuming a final accord is reached, prepare, review and agree upon appropriate settlement documents.

The Parties believe that the issuance of an order consistent with this request advances the interest of judicial economy by preserving the Secretary's resources as well as the resources of the Parties.

A proposed Order is attached.

KANSAS DEPARTMENT OF
HEALTH AND ENVIRONMENT

By its attorney,



William Anderson, Esq.
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Respectfully Submitted,

KOCH NITROGEN COMPANY

By its attorneys,



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and

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Dated: August __, 2003

CERTIFICATE OF SERVICE

The undersigned attorney for the Kansas Department of Health and Environment hereby certifies that on this ^{September} ~~4th~~ day of ~~August~~, 2003, a true and correct copy of the above and foregoing JOINT MOTION FOR STAY was served by hand delivery upon:

Roderick L. Bremby, Secretary
Kansas Department of Health and Environment
Office of the Secretary
Curtis State Office Building
1000 SW Jackson Street, Suite 540
Topeka, Kansas 66612-1368

William J. Anderson