

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5

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MAR 12 2009

In the Matter of:) Docket No. CAA-05-2008-0037
)
)
Wisconsin Plating Works of Racine, Inc.)
Racine, Wisconsin)
)
Respondent.)
_____)

REGIONAL HEARING CLERK
U.S. ENVIRONMENTAL
PROTECTION AGENCY

Proceeding to Assess a Civil Penalty
Under Section 113(d) of the Clean Air
Act, 42 U.S.C. § 7413(d)

MOTION TO RESCHEDULE HEARING

Complainant, by and thru its undersigned attorney, moves this court for an Order rescheduling the hearing date of this matter.

On March 10, 2009, Administrative Law Judge Susan L. Biro issued an Order Scheduling Hearing in this matter which set a hearing in Chicago, Illinois, beginning on Tuesday, June 2, 2009 and continuing, if necessary, on June 3-5, 2009. The Order requests that a party unable to attend the hearing as scheduled for good cause shall notify Judge Biro as soon as possible. Counsel for Complainant, Complainant's expert witness and Complainant's fact witness have prior commitments for the week of June 1, 2009 and are unavailable for the scheduling hearing. Specifically:

1) Padmavati Bending, counsel for Complainant, has been scheduled to attend a national financial workshop for governmental financial analysts and attorneys who work in environmental enforcement since the second week of January 2009. Ms. Bending believes it is important for her to attend this annual workshop to keep her financial skills current (Ms. Bending possesses a masters degree in accounting and a CPA) especially in light of the fact that she was unable to attend last year's workshop due to illness;

2) Complainant's expert witness, Ms. Gail B. Coad, may also be attending the same national financial workshop for governmental financial analysts and attorneys

who work in environmental enforcement. Ms. Coad and Industrial Economics, Incorporated are an integral part of the planning committee for this workshop. Also, Ms. Coad may be giving a presentation at the workshop. In addition, Ms. Coad has personal obligations that week which would prevent her from attending the scheduled hearing; and

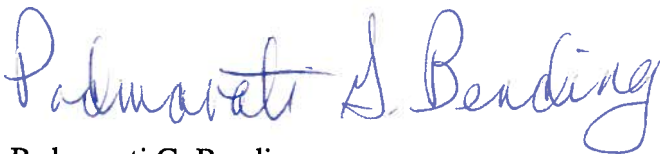
3) Complainant's fact witness, Constantinos Loukeris, is scheduled to perform compliance inspections of facilities in Wisconsin during the first week of June 2009.

Therefore, Complainant moves that the hearing in this matter be scheduled after June 9, 2009.

Complainant's counsel, expert witness and fact witness are available for a hearing on this matter in June 2009 on the following dates: 9-11, 16-19, 22-26 and 29-30.

Complainant's counsel has attempted to contact Respondent's counsel concerning this motion both telephonically and electronically and has not yet received a response.

Respectfully submitted,



Padmavati G. Bending
Associate Regional Counsel
Office of Regional Counsel
U.S. Environmental Protection Agency,
Region 5
77 West Jackson Boulevard (C-14J)
Chicago, Illinois 60604-3590
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CERTIFICATE OF SERVICE

I hereby certify that today I filed personally with the Regional Hearing Clerk, Region 5, United States Environmental Protection Agency, 77 West Jackson Boulevard (E-19J), Chicago, Illinois, 60604-3590, the original document and a copy entitled Motion to Reschedule Hearing for this civil administrative action, and that I issued to the Court (via pouch mail) and Respondent's Counsel (via first class mail) a copy of the original document:

The Honorable Susan L. Biro
Chief Administrative Law Judge
U.S. Environmental Protection Agency
Mail Code 1900L
1200 Pennsylvania Ave., N.W.
Washington, D.C. 20460

Christopher T. Nowatarski
Stone, Pogrand and Korey, LLC
1 East Wacker Drive, Suite 2610
Chicago, IL 60601

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PROTECTION AGENCY

Mildred Vargas
Mildred Vargas
Secretary

March 12, 2009
Date