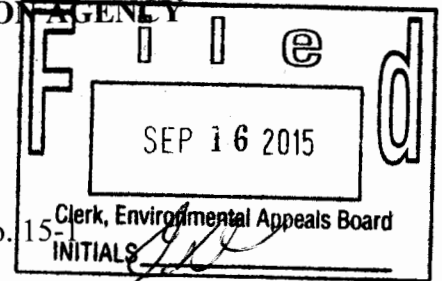


**ENVIRONMENTAL APPEALS BOARD
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C.**



In re:)

Carbon Injection Systems, LLC, Scott)
Forster, and Eric Lofquist)

Docket No. RCRA-05-2011-0009)
_____)

RCRA Appeal No. 15-1

ORDER RESCHEDULING ORAL ARGUMENT

Oral argument in this case was originally scheduled for Thursday, September 24, 2015. However, due to a visit to Washington, DC, by a foreign dignitary on that date, there will be significant road closures and disruptions of both vehicular and pedestrian traffic in the area surrounding the location of the U.S. Environmental Protection Agency's Administrative Courtroom. Accordingly, the Board is rescheduling oral argument.

Prior to choosing a new date, the Board consulted with the Complainant, U.S. EPA Region 5 ("Region 5"), and the Respondents, Carbon Injection Systems, LLC, Scott Forster, and Eric Lofquist. The Board proposed several days during the week of September 28, 2015, but expressed a preference for dates early in the week (September 28th or September 30th). Respondents stated they would be available on September 28th or October 1st. Region 5 requested that argument be held later in the week (October 1st) so that it could complete its Board-ordered consultation with EPA's Office of General Counsel and Office of Solid Waste and Emergency Response in person prior to the argument. Combining the argument and consultation in a single trip, Region 5 argued, would save travel costs. The Board is not persuaded by Region 5's cost argument. The consultation can be completed by telephone or video conferencing. In any event, the Board sees no strong reason to delay argument later than

September 28, 2015, to allow for completion of intra-Agency consultation when that consultation was ordered in connection with briefs due on August 18, 2015, and September 14, 2015. *In re Carbon Injection Systems, LLC, et al.*, RCRA Appeal No. 15-01 (EAB July 14, 2015) (Order Identifying Issues to be Briefed); *cf. In re Lee Ranch*, NPDES Appeal No. 14-04, at 5 (July 17, 2015) (Order Denying Region's Motion to Stay the Proceeding, Postponing Oral Argument, and Scheduling Status Conference).

Accordingly, the parties are ordered to participate in oral argument beginning at 2:00 p.m. Eastern Daylight Savings Time on Monday, September 28, 2015, in the Administrative Courtroom, U.S. Environmental Protection Agency, William Jefferson Clinton East Building, Room 1152, 1201 Constitution Avenue, N.W., Washington, D.C. The Board has received the parties' notification of the counsel who will be presenting argument. Any change as to who will present oral argument shall be communicated to the Clerk of the Board in writing no later than September 21, 2015.

So ordered.

ENVIRONMENTAL APPEALS BOARD

Dated: September 16, 2015

By: Leslye M. Fraser
Leslye M. Fraser
Environmental Appeals Judge

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing **Order Rescheduling Oral Argument** in the matter of Carbon Injection Systems, LLC, Scott Forster, and Eric Lofquist, RCRA Appeal No. 15-01 were sent to the following persons in the manner indicated:

By U.S. First Class Mail:

Keven D. Eiber
Meagan L. Moore
Brouse McDowell
600 Superior Avenue East
Suite 1600
Cleveland, OH 44114

By Pouch Mail:

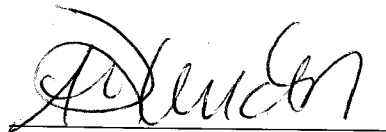
Catherine Garypie
Jeffrey A. Cahn
Office of Regional Counsel
USEPA REGION 5
77 West Jackson Boulevard
Mail Code: C-14J
Chicago, IL 60604-3507

By Interoffice Mail:

Barry N. Breen
Principal Deputy Assistant Administrator
Office of Solid Waste and Emergency
Response
USEPA Headquarters
William Jefferson Clinton Building
1200 Pennsylvania Avenue, N. W.
Mail Code: 5101T
Washington, DC 20460

Kevin Minoli
Principal Deputy General Counsel
Office of General Counsel
USEPA Headquarters
William Jefferson Clinton Building
1200 Pennsylvania Avenue, N. W.
Mail Code: 2355A
Washington, DC 20460

Dated: SEP 16 2015



Annette Duncan
Secretary