

GENTRY LOCKE  
RAKES & MOORE<sup>LLP</sup>  
Attorneys

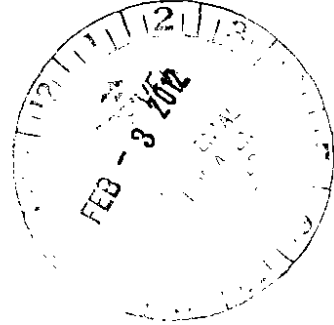
Charles L. Williams  
(540) 983-9375  
williams@gentrylocke.com

Facsimile 540-983-9400  
Post Office Box 40013  
Roanoke, Virginia 24022-0013

February 2, 2012

**VIA OVERNIGHT MAIL AND EMAIL**

The Honorable Barbara A. Gunning  
EPA Office of Administrative Law Judges  
1099 14th Street, NW  
Suite 350 Franklin Court  
Washington, DC 20005



Re: IMO Chem-Solv, Inc., and Austin Holdings-VA, L.L.C.  
EPA Docket No.: RCRA-03-2011-0068

Dear Judge Gunning:

Enclosed is Respondents' Motion to Supplement Respondents' Prehearing Exchange.

Thank you for your consideration.

Very truly yours,

GENTRY LOCKE RAKES & MOORE, LLP

A handwritten signature in black ink, appearing to read 'C. Williams'.

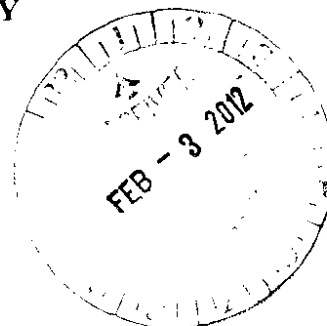
Charles L. Williams

CLW:lbs

Enclosure

cc: Joyce A. Howell, Esq.  
✓ Lydia Guy, Regional Hearing Clerk  
Mr. Jamison G. Austin

**BEFORE THE UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY  
REGION III**



In the Matter of: )  
 )  
 CHEM-SOLV, INC., formerly trading as )  
 Chemicals and Solvents, Inc. )  
 )  
 and )  
 )  
 AUSTIN HOLDINGS-VA, L.L.C. )  
 )  
 )  
 Respondents. )  
 )  
 Chem-Solv, Inc. )  
 1111 Industry Avenue, S.E. )  
 1140 Industry Avenue, S.E. )  
 Roanoke, VA 24013, )  
 )  
 Facility. )

U.S. EPA Docket Number  
RCRA-03-2011-0068

Proceeding Under Section 3008(a) of  
the Resource Conservation and  
Recovery Act, as amended 42 U.S.C.  
Section 6928(a)

**MOTION TO SUPPLEMENT  
RESPONDENTS' PREHEARING EXCHANGE**

Pursuant to 40 C.F.R. §§ 22.16(a) and .19(a) and (f), and the Court's Order dated November 16, 2011, Respondents respectfully move this Court for an Order granting Respondents leave to supplement exhibits to Respondents' Initial Prehearing Exchange through the addition of exhibits and identification of a witness. The Hearing in this matter is scheduled to commence on March 20, 2012. Respondents reserve the right to submit additional supplementary documents as provided for by Rules and Regulation.

40 C.F.R. § 22.19(f) requires that a party who has made an information exchange shall promptly supplement or correct the exchange when the party learns that the information has not otherwise been disclosed to the other party.

40 C.F.R. § 22.22(a) provides, in pertinent part, that the Presiding Officer shall admit all evidence that is not irrelevant provided that any such proposed evidence is exchanged at least fifteen days before hearing.

Pursuant to 40 C.F.R. § 22.19(f), Respondents identify the following additional witness:

Robert W. List. Robert List is a licensed geologist and an environmental consultant with Faulkner & Flynn, Inc. Mr. List will testify about his inspections of the facility and explain his findings and records. It appears the Virginia Department of Environmental Quality and now the U.S. Environmental Protection Agency have relied and will rely upon Mr. List's work product.

Respondents respectfully request leave to supplement their Prehearing Exchange through the addition of the following exhibits:

1. Respondents' Exhibit 36. Graphic is relevant to the matters herein at issue, has probative value, and is not in any way repetitious in nature;
2. Respondents' Exhibit 37. Photographs collectively are relevant to the matters herein at issue, have probative value, and are not in any way repetitious in nature;
3. Respondents' Exhibit 38. Photographs collectively are relevant to the matters herein at issue, have probative value, and are not in any way repetitious in nature; and
3. Respondents' Exhibit 39. Exhibit is relevant to the matters herein at issue, has probative value, is not in any way repetitious in nature, and supplements prior disclosed documents.

Respondents respectfully request that Respondents be granted leave to supplement Respondents' Prehearing Exchange as set forth above. A proposed form Order is attached.

Respectfully submitted,



---

Charles L. Williams  
Gentry Locke Rakes & Moore, LLP  
10 Franklin Road, SE, Suite 800  
Roanoke, VA 24011

2.2.12

---

Date