

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY

BEFORE THE ADMINISTRATOR

In the Matter of:)	
)	
Carbon Injection Systems LLC,)	
Scott Forster,)	Docket No. RCRA-05-2011-0009
and Eric Lofquist,)	
)	
)	
Respondents.)	
<hr/>)	

FOURTH JOINT STATUS REPORT

Comes now Complainant United States Environmental Protection Agency (“EPA”) and Respondents Carbon Injection Systems LLC, Scott Forster and Eric Lofquist (hereinafter “Parties”), through counsel, pursuant to the December 27, 2011, Order on Motion for Third Party Discovery and Order Postponing Hearing and Revising Case Schedule in the above-referenced matter and respectfully file this Fourth Joint Status Report.

Since the Third Joint Status Report was filed on September 28, 2011, the Parties have been engaged in the following activities:

1. Settlement. Private mediation concluded on October 5, 2011, with no settlement reached. The Parties have expressed their willingness to revisit their settlement discussions following discovery and the filing of motions for accelerated decision, if any.
2. Case Activity. The Parties filed the following motions and other papers. All motions that have been filed as of the date of this report have been ruled upon.
 - 10/14/11: Joint Motion for Entry of Stipulation and Protective Order Regarding Confidentiality;

- 10/14/11: Complainant's Initial Prehearing Exchange;
- 10/27/11: Complainant's Motion to Replace Complainant's Exhibit 115;
- 11/3/11: Respondents' Initial Joint Prehearing Exchange;
- 11/18/11: Complainant's Rebuttal Prehearing Exchange;
- 12/5/11: Respondents' Motion for Status Conference;
- 12/8/11: Respondents' Joint Motion for a Revised Case Schedule and Renewed Motion for Third-Party Discovery and Respondents' Motion for Administrative Subpoenas to Issue for the Discovery Depositions of Third-Party Witnesses;
- 12/9/11: Complainant's Motion to Strike Respondents' Affirmative Defenses;
- 12/13/11: Complainant's Response to Respondents' Joint Motion for a Revised Case Schedule and Renewed Motion for Third-Party Discovery
- 12/15/11 Respondents' Reply to Complainant's Response to Motion for Revised Case Schedule;
- 12/21/11: Appearance of Jeffrey A. Cahn;
- 12/27/11: Respondents' Opposition to Complainant's Motion to Strike Respondents' Affirmative Defenses;
- 1/5/12: Complainant's Reply to Respondents' Opposition to Motion to Strike;
- 1/13/12: Complainant's Motion to Replace Complainant's Exhibit 2, 3, 9, 12, 79-112 and 135;
- 1/17/12: Complainant's Unopposed Motion Proposing Hearing Dates;
- 2/2/12: Complainant's Motion for Administrative Subpoena to Issue for the Deposition of a Third-Party Witness and for a Revised Response Date for the Motion;

- 2/3/12: Respondents' Response to Complainant's Motion for Administrative Subpoena to Issue for the Deposition of a Third-Party Witness and for a Revised Response Date for the Motion and Request to Re-Issue Respondent's Subpoena to Third Party Witness Donald DuRivage; and
- 2/3/12: Complainant's Reply to Respondents' Response to Complainant's Motion for Administrative Subpoena to Issue for the Deposition of a Third-Party Witness and for a Revised Response Date for the Motion.

3. Discovery. The Parties conducted the following third-party depositions:


- 1/31/12 & 2/1/12: Depositions of Thomas Guido, David Shepherd and Theresa Barry, held in Newark, New Jersey; and
- 2/22/12: Deposition of Donald DuRivage, held in Columbia, South Carolina.

4. Estimate of Time for Hearing. EPA does not wish to revise its estimate for the number of days needed to present its case-in-chief. The estimate of EPA remains four (4) days to present its case-in-chief. Respondents similarly do not wish to revise their estimate for the number of days needed to present their defense case, such that their estimate remains ten (10) days. .

Respectfully Submitted,

Counsel for EPA:

2/24/12
Date

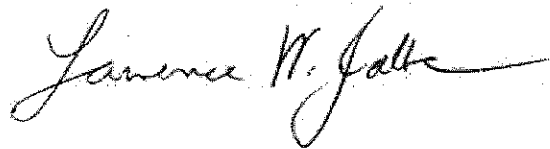

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2/24/12
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CERTIFICATE OF SERVICE

In the Matter of Carbon Injection Systems LLC, Scott Forster, and Eric Lofquist
Docket No. RCRA-05-2011-0009

I certify that the foregoing "Fourth Joint Status Report", dated February 24, 2012, was sent this day in the following manner to the addressees listed below:

Original and one copy hand-delivered to:

Regional Hearing Clerk
U.S. EPA, Region 5
77 West Jackson Boulevard
Chicago, Illinois 60604

Copy via Regular Mail to:

Attorneys for Respondents:

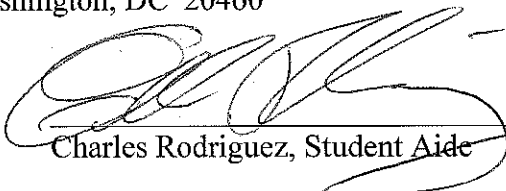
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Presiding Judge:

The Honorable Susan L. Biro, Chief Administrative Law Judge
Office of Administrative Law Judges
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W., Mail Code 1900L
Washington, DC 20460

2/24/12
Date


Charles Rodriguez, Student Aide