

GENTRY LOCKE
RAKES & MOORE^{LLP}
Attorneys

Maxwell H. Wiegard
(540) 983-9350
mwiegard@gentrylocke.com

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

February 29, 2012

Via Federal Express Overnight Delivery

Lydia Guy
Regional Hearing Clerk (3RC00)
U.S. EPA, Region III
1650 Arch Street
Philadelphia, PA 19103-2029

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

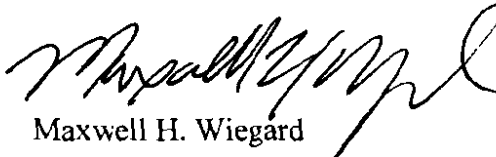
Dear Ms. Guy:

Enclosed for filing in the above-styled matter is an original and one copy of the following: (1) a copy of Respondents' Motion for Issuance of Subpoenas; (2) a proposed Subpoena for Chief Daniel Rakes; (3) a proposed Subpoena for Captain Ronnie Campbell; (4) a proposed Subpoena for Mr. Clay Vance Conner; (5) a proposed Subpoena for Mr. Jeffrey Shawver; (6) a proposed Subpoena for Mr. Donald Wayne Tickle; and (7) a proposed Subpoena for Ms. Elizabeth A. Lohman in this proceeding.

Please let us know if you have any questions concerning the enclosed documents. We appreciate your assistance in this matter.

Very truly yours,

GENTRY LOCKE RAKES & MOORE, LLP



Maxwell H. Wiegard

MHW:ccm
Enclosures

cc: The Honorable Barbara A. Gunning (via Federal Express)
A.J. D'Angelo, Esq., Sr. Assistant Regional Counsel (via Federal Express)
Charles L. Williams, Esq. (via e-mail)
Mr. Jamison G. Austin (via e-mail)

RECEIVED
2012 MAR -1 PM 5:15
REGIONAL HEARING CLERK
EPA REGION III, PHILA. PA

GENTRY LOCKE
RAKES & MOORE^{LLP}
Attorneys

Maxwell H. Wiegard

(540) 983-9350

mhwiegard@gentrylocke.com

Facsimile 540-983-9400

Post Office Box 40013

Roanoke, Virginia 24022-0013

February 29, 2012

VIA FEDERAL EXPRESS
OVERNIGHT DELIVERY

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

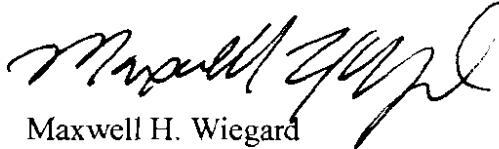
Dear Judge Gunning:

Please find enclosed: (1) a copy of Respondents' Motion for Issuance of Subpoenas; (2) a proposed Subpoena for Chief Daniel Rakes; (3) a proposed Subpoena for Captain Ronnie Campbell; (4) a proposed Subpoena for Mr. Clay Vance Conner; (5) a proposed Subpoena for Mr. Jeffrey Shawver; (6) a proposed Subpoena for Mr. Donald Wayne Tickle; and (7) a proposed Subpoena for Ms. Elizabeth A. Lohman. The original and one copy of each of the enclosed documents was filed today with the U.S. EPA Regional Hearing Clerk and additional copies have been served today upon Complainant's counsel in the manner set forth in the attached Certificate of Service.

Please let us know if you have any questions concerning the enclosed documents.

Very truly yours,

GENTRY LOCKE RAKES & MOORE, LLP



Maxwell H. Wiegard

MHW:ccm
Enclosures

cc: A.J. D'Angelo, Esq., Senior Assistant Regional Counsel (*via Federal Express*)
Ms. Lydia Guy, Regional Hearing Clerk (*via Federal Express*)
Mr. Jamison G. Austin (*via e-mail*)
Charles L. Williams, Esq. (*via e-mail*)

RECEIVED
2012 MAR -1 PM 5:15
REGIONAL HEARING CLERK
EPA REGION III, PHILA. PA

RECEIVED

BEFORE THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY REGION III 2012 MAR -1 PM 5:15

REGIONAL HEARING CLERK EPA REGION III, PHILA. PA

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 FOR ISSUANCE OF SUBPOENAS

COME NOW Respondents Chem-Solv, Inc. ("Chem-Solv") and Austin Holdings-VA, L.L.C. ("Austin Holdings") (collectively, the "Respondents"), by counsel, pursuant to 40 C.F.R §§ 22.19(e)(4) and (5), and 40 C.F.R. § 22.21(b), and respectfully move this Court for issuance of administrative subpoenas to compel the testimony of certain witnesses at the Hearing set to commence at 9:30 a.m. on Tuesday, March 20, 2012, in Roanoke, Virginia. For the Court's convenience, proposed administrative subpoenas for the witnesses identified below are attached hereto.

40 C.F.R. § 22.19(e)(4) provides that the Presiding Officer may require the attendance of witnesses by subpoena, that witnesses so summoned shall be paid the same fees and mileage that are paid witnesses in federal court, and that these fees shall be paid by the party at whose request the

witness appears. This Court therefore has the authority to issue the subpoenas requested, and Respondents are prepared to pay the required fees.

40 C.F.R. § 22.21(b) provides that the Presiding Officer may require attendance of witnesses by subpoena upon a showing of the grounds and necessity therefor, and the materiality and relevancy of the evidence to be adduced. Respondents request subpoenas for five of the eleven individuals who were named in their Initial Prehearing Exchange, filed September 8, 2011. Subpoenas for their attendance and testimony at the Hearing are necessary because these individuals are non-parties who are beyond the control of Respondents, and Respondents therefore cannot guarantee their attendance at the Hearing. Because these witnesses are expected to give testimony crucial to Respondents' defenses, the Respondents cannot rely on informal arrangements for their attendance at the Hearing. The materiality and relevancy of their expected testimony is set forth below.

1. Daniel Rakes. Daniel Rakes is a fire official with the City of Roanoke, Virginia. Mr. Rakes is expected to testify concerning the history of the relationship between the Respondents and the Roanoke City Fire Department. He is further expected to testify concerning the character and nature of the Respondents' compliance with applicable local fire regulations. In summary, Mr. Rakes' testimony is expected to reveal that records of fire inspections do not accurately describe the level of the Respondents' compliance or non-compliance with applicable fire codes and regulations.
2. Ronnie Campbell. Ronnie Campbell is a fire official with the City of Roanoke, Virginia. Mr. Campbell is expected to testify concerning the history of the relationship between the Respondents and the Roanoke City Fire Department. He is further expected to testify concerning the character and nature of the Respondents' compliance with applicable local fire regulations. In summary, Mr. Campbell's testimony is expected to reveal that records of fire inspections do not accurately describe the level of the Respondents' compliance or non-compliance with applicable fire codes and regulations.
3. Clay Vance Conner. Mr. Conner was employed by Chem-Solv at the time of the Inspection and the Sampling Event. Mr. Conner is expected to testify concerning Chem-Solv's preparation of containers for shipment to customers.
4. Jeffrey Shawver. Mr. Shawver is a building inspector with the City of Roanoke, Virginia. He is expected to testify as to Chem-Solv's efforts to comply with all legal and regulatory requirements including the voluntary reconstruction of its Roanoke, Virginia Facility.
5. Donald Wavne Tickle. Mr. Tickle was employed by Chem-Solv as a Maintenance Manager at the time of the Inspection and the Sampling Event. Mr. Tickle is expected to testify concerning Chem-Solv's management of its inventory of sodium hydrosulfide in 2008. He is

further expected to testify concerning Chem-Solv's rinsewater management process at the time of the Inspection and the Sampling Event, including Chem-Solv's reuse of rinsewater for the purpose of rinsing off the exterior of containers in preparation for shipment to customers and Chem-Solv's use of rinsewater in the preparation of batches of FreezeCon.

Respondents further request a subpoena for Elizabeth A. Lohman, one of the six individuals who were named in the Complainant's Initial Prehearing Exchange, filed July 1, 2011. The materiality and relevancy of her expected testimony is as follows:

6. Elizabeth A. Lohman. Ms. Lohman is employed as an Environmental Program Planner with the VADEQ. According to Complainant's Initial Prehearing Exchange, Ms. Lohman is expected to testify "concerning her observations made at the facility during numerous site visits, and information about the facility obtained as part of her monitoring duty of the ChemSolv Facility. Ms. Thompson is further expected to testify in support of the allegations contained in the Complaint and in support of the proposed civil penalty." See Complainant's Initial Prehearing Exchange, page 3.

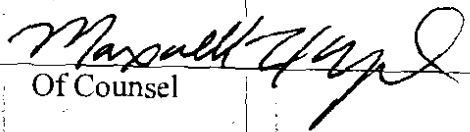
A subpoena for Ms. Lohman is necessary because her declarations contain statements that are in direct conflict with statements made by Respondents' witnesses, particularly with regard to the sampling event on May 23, 2007. Compare Declaration of Elizabeth A. Lohman, ¶¶8 and 10, with Respondents' Exhibit 2, ¶16, CS 004) (conflicting accounts as to whether Jamie Austin was present during the sampling event on May 23, 2007). The circumstances of the sampling event are in dispute in this case; Ms. Lohman's live testimony at the Hearing is necessary, therefore, to resolve this and other factual disputes that have implications for witness credibility and liability. Respondents cannot guarantee Ms. Lohman's attendance at the Hearing without issuance of an administrative subpoena.

Respondents therefore meet the standard of 40 C.F.R. § 22.21(b) for issuance of administrative subpoenas. Respondents have specified the expected testimony of these individuals, the necessity of this testimony, as well as its materiality and relevancy. Respondents are prepared to pay the necessary fees under 40 C.F.R. § 22.19(e)(4). Furthermore, although Respondents have sent letters to the individuals named above requesting their presence at trial, Respondents cannot guarantee their attendance without issuance of administrative subpoenas.

WHEREFORE, the Respondents Chem-Solv, Inc. and Austin Holdings-VA, L.L.C. respectfully request that this Court sign and return the attached Subpoenas, so that Respondents may serve it on the above-named witnesses pursuant to Section 22.05(b)(1)(i) of the Consolidated Rules of Practice, 40 C.F.R. § 22.05(b)(1)(i).

Dated: February 29, 2012

Chem-Solv, Inc. and Austin Holdings-VA, L.L.C.

By 
Of Counsel

Charles L. Williams (VSB No. 1145)
Maxwell H. Wiegard (VSB No. 68787)
GENTRY LOCKE RAKES & MOORE
10 Franklin Road, SE, Suite 800, Roanoke, VA 24011
P. O. Box 40013, Roanoke, VA 24022-0013
Telephone: 540-983-9300
Facsimile: 540-983-9400

RECEIVED

2012 MAR - 1 PM 5: 15

REGIONAL HEARING CLERK
EPA REGION III, PHILA. PA

BEFORE THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY REGION III

RECEIVED

2012 MAR -1 PM 5: 15

REGIONAL HEARING CLERK EPA REGION III, PHILA. PA

In the Matter of:

CHEM-SOLV, INC., formerly trading as Chemicals and Solvents, Inc.

and

AUSTIN HOLDINGS-VA, L.L.C.

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

Respondents.

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

Chem-Solv, Inc. 1111 Industrial Avenue, S.E. 1140 Industrial Avenue, S.E. Roanoke, VA 24013,

Facility.

CERTIFICATE OF SERVICE

I certify that, on February 29, 2012, I sent by FedEx, next day delivery, a copy of Respondents' Motion For Issuance of Subpoenas to the addressees listed below. The original and one copy of the Respondents' Motion for Depositions to the Regional Hearing Clerk, U.S. EPA Region 3, 1650 Arch Street, Philadelphia, PA19103-2029.

The Honorable Barbara A. Gunning, A.L.J. EPA Office of Administrative Law Judges 1099 4th Street, N.W. Suite 350 Franklin Court Washington, D.C. 20005

A.J. D'Angelo, Esq. U.S. Environmental Protection Agency Region III (Mail Code 3RC30) 1650 Arch Street Philadelphia, PA 19103-2029

Benjamin D. Fields, Esq. U.S. Environmental Protection Agency Region III (Mail Code 3RC60) 1650 Arch Street Philadelphia, PA 19103-2029

Dated: February 29, 2012

By [Signature] Of Counsel

BEFORE THE UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION III

RECEIVED

2012 MAR -1 PM 5:16

REGIONAL HEARING CLERK
EPA REGION III, PHILA. PA

In the Matter of:

CHEM-SOLV, INC., formerly trading as
Chemicals and Solvents, Inc.

and

AUSTIN HOLDINGS-VA, L.L.C.

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

Respondents.

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

Chem-Solv, Inc.
1111 Industry Avenue, S.E.
1140 Industry Avenue, S.E.
Roanoke, VA 24013,

Facility.

SUBPOENA

TO: Chief Daniel Rakes, Fire Marshal
713 Third Street, S.W.
Roanoke, VA 24016

YOU ARE HEREBY COMMANDED, pursuant to Section 3008(b) of RCRA, 42 U.S.C. §
6928(b), and Section 22.19(e)(4) of the Consolidated Rules of Practice, 40 C.F.R. Part 22, TO
APPEAR IN PERSON at the following place and times:

DATE AND TIMES: March 20, 2012 through March 23, 2012, and continuing if necessary
March 27, 2012 through March 30, 2012

9:30 a.m.

PLACE: U.S. Bankruptcy Court Building
210 Church Ave., SW
Commonwealth Building, 2nd Floor
Roanoke, Virginia 24011

YOU ARE FURTHER COMMANDED:

TO APPEAR IN PERSON before the Administrative Law Judge at the above dates, time, and place;

TO TESTIFY then and there under oath, and make truthful response to all lawful inquiries and questions put to you by the Parties to the proceedings; and

TO REMAIN IN ATTENDANCE until expressly excused by the Administrative Law Judge.

PURSUANT TO THE AUTHORITY OF Section 3008(b) of RCRA, 42 U.S.C. § 6928(b), FAILURE TO COMPLY WITH THIS SUBPOENA MAY RESULT IN INITIAION OF COURT PROCEEDINGS IN A UNITED STATES DISTRICT COURT AGAINST THE RECIPIENT OF THE SUBPOENA TO COMPEL COMPLIANCE WITH THE SUBPOENA AND ANY FAILURE TO OBEY SUCH ORDER OF THE COURT MAY BE PUNISHED BY SUCH COURT AS CONTEMPT THEREOF:

ISSUED in Washington, D.C., this _____ day of _____,

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

Witness Fees and expenses in the same amounts as are paid to witnesses in the courts of the United States shall be paid by the party upon whose request the subpoena is issued.

This subpoena is to be served in accordance with Section 22.05(b)(1)(i) of the Consolidated Rules of Practice, 40 C.F.R. § 22.05(b)(1)(i).

Person at whose request this Subpoena was issued:

Charles L. Williams, Esq.
Maxwell H. Wiegard, Esq.
Gentry Locke Rakes & Moore, LLP
10 Franklin Road, SE Suite 800
P.O. Box 40013
Roanoke, VA 24011

RECEIVED

BEFORE THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY REGION III 2012 MAR -1 PM 5:16

REGIONAL HEARING CLERK EPA REGION III, PHILA. PA

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)

SUBPOENA

TO: Captain Ronnie Campbell, Deputy Fire Marshal 713 Third Street, S.W. Roanoke, VA 24016

YOU ARE HEREBY COMMANDED, pursuant to Section 3008(b) of RCRA, 42 U.S.C. § 6928(b), and Section 22.19(e)(4) of the Consolidated Rules of Practice, 40 C.F.R. Part 22, TO APPEAR IN PERSON at the following place and times:

DATE AND TIMES: March 20, 2012 through March 23, 2012, and continuing if necessary March 27, 2012 through March 30, 2012

9:30 a.m.

PLACE: U.S. Bankruptcy Court Building 210 Church Ave., SW Commonwealth Building, 2nd Floor Roanoke, Virginia 24011

YOU ARE FURTHER COMMANDED:

TO APPEAR IN PERSON before the Administrative Law Judge at the above dates, time, and place;

TO TESTIFY then and there under oath, and make truthful response to all lawful inquiries and questions put to you by the Parties to the proceedings; and

TO REMAIN IN ATTENDANCE until expressly excused by the Administrative Law Judge.

PURSUANT TO THE AUTHORITY OF Section 3008(b) of RCRA, 42 U.S.C. § 6928(b), FAILURE TO COMPLY WITH THIS SUBPOENA MAY RESULT IN INITIAION OF COURT PROCEEDINGS IN A UNITED STATES DISTRICT COURT AGAINST THE RECIPIENT OF THE SUBPOENA TO COMPEL COMPLIANCE WITH THE SUBPOENA AND ANY FAILURE TO OBEY SUCH ORDER OF THE COURT MAY BE PUNISHED BY SUCH COURT AS CONTEMPT THEREOF:

ISSUED in Washington, D.C., this _____ day of _____,

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

Witness Fees and expenses in the same amounts as are paid to witnesses in the courts of the United States shall be paid by the party upon whose request the subpoena is issued.

This subpoena is to be served in accordance with Section 22.05(b)(1)(i) of the Consolidated Rules of Practice, 40 C.F.R. § 22.05(b)(1)(i).

Person at whose request this Subpoena was issued:

Charles L. Williams, Esq.
Maxwell H. Wiegard, Esq.
Gentry Locke Rakes & Moore, LLP
10 Franklin Road, SE Suite 800
P.O. Box 40013
Roanoke, VA 24011

YOU ARE FURTHER COMMANDED:

TO APPEAR IN PERSON before the Administrative Law Judge at the above dates, time, and place;

TO TESTIFY then and there under oath, and make truthful response to all lawful inquiries and questions put to you by the Parties to the proceedings; and

TO REMAIN IN ATTENDANCE until expressly excused by the Administrative Law Judge.

PURSUANT TO THE AUTHORITY OF Section 3008(b) of RCRA, 42 U.S.C. § 6928(b), FAILURE TO COMPLY WITH THIS SUBPOENA MAY RESULT IN INITIAION OF COURT PROCEEDINGS IN A UNITED STATES DISTRICT COURT AGAINST THE RECIPIENT OF THE SUBPOENA TO COMPEL COMPLIANCE WITH THE SUBPOENA AND ANY FAILURE TO OBEY SUCH ORDER OF THE COURT MAY BE PUNISHED BY SUCH COURT AS CONTEMPT THEREOF:

ISSUED in Washington, D.C., this _____ day of _____,

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

Witness Fees and expenses in the same amounts as are paid to witnesses in the courts of the United States shall be paid by the party upon whose request the subpoena is issued.

This subpoena is to be served in accordance with Section 22.05(b)(1)(i) of the Consolidated Rules of Practice, 40 C.F.R. § 22.05(b)(1)(i).

Person at whose request this Subpoena was issued:

**Charles L. Williams, Esq.
Maxwell H. Wiegard, Esq.
Gentry Locke Rakes & Moore, LLP
10 Franklin Road, SE Suite 800
P.O. Box 40013
Roanoke, VA 24011**

RECEIVED
2012 MAR -11 PM 5:17

**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.

REGIONAL HEARING CLERK
EPA REGION III, PHILA. PA

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)

SUBPOENA

TO: Mr. Jeffrey Shawver, Roanoke Building Commissioner
215 Church Avenue, S.W.
Roanoke, VA 24011

YOU ARE HEREBY COMMANDED, pursuant to Section 3008(b) of RCRA, 42 U.S.C. §
6928(b), and Section 22.19(e)(4) of the Consolidated Rules of Practice, 40 C.F.R. Part 22, TO
APPEAR IN PERSON at the following place and times:

DATE AND TIMES: March 20, 2012 through March 23, 2012, and continuing if necessary
March 27, 2012 through March 30, 2012

9:30 a.m.

PLACE:

U.S. Bankruptcy Court Building
210 Church Ave., SW
Commonwealth Building, 2nd Floor
Roanoke, Virginia 24011

YOU ARE FURTHER COMMANDED:

TO APPEAR IN PERSON before the Administrative Law Judge at the above dates, time, and place;

TO TESTIFY then and there under oath, and make truthful response to all lawful inquiries and questions put to you by the Parties to the proceedings; and

TO REMAIN IN ATTENDANCE until expressly excused by the Administrative Law Judge.

PURSUANT TO THE AUTHORITY OF Section 3008(b) of RCRA, 42 U.S.C. § 6928(b), FAILURE TO COMPLY WITH THIS SUBPOENA MAY RESULT IN INITIAION OF COURT PROCEEDINGS IN A UNITED STATES DISTRICT COURT AGAINST THE RECIPIENT OF THE SUBPOENA TO COMPEL COMPLIANCE WITH THE SUBPOENA AND ANY FAILURE TO OBEY SUCH ORDER OF THE COURT MAY BE PUNISHED BY SUCH COURT AS CONTEMPT THEREOF:

ISSUED in Washington, D.C., this _____ day of _____,

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

Witness Fees and expenses in the same amounts as are paid to witnesses in the courts of the United States shall be paid by the party upon whose request the subpoena is issued.

This subpoena is to be served in accordance with Section 22.05(b)(1)(i) of the Consolidated Rules of Practice, 40 C.F.R. § 22.05(b)(1)(i).

Person at whose request this Subpoena was issued:

Charles L. Williams, Esq.
Maxwell H. Wiegard, Esq.
Gentry Locke Rakes & Moore, LLP
10 Franklin Road, SE Suite 800
P.O. Box 40013
Roanoke, VA 24011

RECEIVED

BEFORE THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY REGION III

2012 MAR -1 PM 5:17 REGIONAL HEARING CLERK EPA REGION III, PHILA. PA

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)

SUBPOENA

TO: Mr. Donald Wayne Tickle 105 Shadelawn Drive Thaxton, Virginia 24174

YOU ARE HEREBY COMMANDED, pursuant to Section 3008(b) of RCRA, 42 U.S.C. § 6928(b), and Section 22.19(e)(4) of the Consolidated Rules of Practice, 40 C.F.R. Part 22, TO APPEAR IN PERSON at the following place and times:

DATE AND TIMES: March 20, 2012 through March 23, 2012, and continuing if necessary March 27, 2012 through March 30, 2012

9:30 a.m.

PLACE: U.S. Bankruptcy Court Building 210 Church Ave., SW Commonwealth Building, 2nd Floor Roanoke, Virginia 24011

YOU ARE FURTHER COMMANDED:

TO APPEAR IN PERSON before the Administrative Law Judge at the above dates, time, and place;

TO TESTIFY then and there under oath, and make truthful response to all lawful inquiries and questions put to you by the Parties to the proceedings; and

TO REMAIN IN ATTENDANCE until expressly excused by the Administrative Law Judge.

PURSUANT TO THE AUTHORITY OF Section 3008(b) of RCRA, 42 U.S.C. § 6928(b), FAILURE TO COMPLY WITH THIS SUBPOENA MAY RESULT IN INITIAION OF COURT PROCEEDINGS IN A UNITED STATES DISTRICT COURT AGAINST THE RECIPIENT OF THE SUBPOENA TO COMPEL COMPLIANCE WITH THE SUBPOENA AND ANY FAILURE TO OBEY SUCH ORDER OF THE COURT MAY BE PUNISHED BY SUCH COURT AS CONTEMPT THEREOF:

ISSUED in Washington, D.C., this _____ day of _____,

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

Witness Fees and expenses in the same amounts as are paid to witnesses in the courts of the United States shall be paid by the party upon whose request the subpoena is issued.

This subpoena is to be served in accordance with Section 22.05(b)(1)(i) of the Consolidated Rules of Practice, 40 C.F.R. § 22.05(b)(1)(i).

Person at whose request this Subpoena was issued:

Charles L. Williams, Esq.
Maxwell H. Wiegard, Esq.
Gentry Locke Rakes & Moore, LLP
10 Franklin Road, SE Suite 800
P.O. Box 40013
Roanoke, VA 24011

RECEIVED

BEFORE THE UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY PH 5: 17
REGION III

REGIONAL HEARING CLERK
EPA REGION III, PHILA. PA

In the Matter of:

CHEM-SOLV, INC., formerly trading as
Chemicals and Solvents, Inc.

and

AUSTIN HOLDINGS-VA, L.L.C.

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

Respondents.

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

Chem-Solv, Inc.
1111 Industry Avenue, S.E.
1140 Industry Avenue, S.E.
Roanoke, VA 24013,

Facility.

SUBPOENA

TO: Ms. Elizabeth A. Lohman
VA-DEQ Blue Ridge Region Office
3019 Peters Creek Road
Roanoke, VA 24019

YOU ARE HEREBY COMMANDED, pursuant to Section 3008(b) of RCRA, 42 U.S.C. §
6928(b), and Section 22.19(e)(4) of the Consolidated Rules of Practice, 40 C.F.R. Part 22, TO
APPEAR IN PERSON at the following place and times:

DATE AND TIMES: March 20, 2012 through March 23, 2012, and continuing if necessary
March 27, 2012 through March 30, 2012

9:30 a.m.

PLACE: U.S. Bankruptcy Court Building
210 Church Ave., SW
Commonwealth Building, 2nd Floor
Roanoke, Virginia 24011

YOU ARE FURTHER COMMANDED:

TO APPEAR IN PERSON before the Administrative Law Judge at the above dates, time, and place;

TO TESTIFY then and there under oath, and make truthful response to all lawful inquiries and questions put to you by the Parties to the proceedings; and

TO REMAIN IN ATTENDANCE until expressly excused by the Administrative Law Judge.

PURSUANT TO THE AUTHORITY OF Section 3008(b) of RCRA, 42 U.S.C. § 6928(b), FAILURE TO COMPLY WITH THIS SUBPOENA MAY RESULT IN INITIAION OF COURT PROCEEDINGS IN A UNITED STATES DISTRICT COURT AGAINST THE RECIPIENT OF THE SUBPOENA TO COMPEL COMPLIANCE WITH THE SUBPOENA AND ANY FAILURE TO OBEY SUCH ORDER OF THE COURT MAY BE PUNISHED BY SUCH COURT AS CONTEMPT THEREOF:

ISSUED in Washington, D.C., this _____ day of _____,

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

Witness Fees and expenses in the same amounts as are paid to witnesses in the courts of the United States shall be paid by the party upon whose request the subpoena is issued.

This subpoena is to be served in accordance with Section 22.05(b)(1)(i) of the Consolidated Rules of Practice, 40 C.F.R. § 22.05(b)(1)(i).

Person at whose request this Subpoena was issued:

Charles L. Williams, Esq.
Maxwell H. Wiegard, Esq.
Gentry Locke Rakes & Moore, LLP
10 Franklin Road, SE Suite 800
P.O. Box 40013
Roanoke, VA 24011