



UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY

BEFORE THE ADMINISTRATOR

IN THE MATTER OF)
)
CHEMSOLV, INC., formerly)
trading as Chemicals and)
Solvents, Inc.)
)
and)
)
AUSTIN HOLDINGS-VA, L.L.C.,)
)
RESPONDENTS)

DOCKET NO. RCRA-03-2011-0068

ORDER RESCHEDULING HEARING AND PREHEARING DEADLINES

This proceeding arises under the authority of Section 3008(a)(1) and (g) of the Resource Conservation and Recovery Act of 1976 and the Hazardous and Solid Waste Amendments of 1984 (collectively referred to as "RCRA"), 42 U.S.C. § 6928(a)(1) and (g). The parties are reminded that this proceeding is governed by the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits (the "Rules of Practice"), 40 C.F.R. §§ 22.1-22.32.

On November 28, 2011, Complainant notified the undersigned that, due to a previously scheduled court appearance for its expert witness, it was requesting at least a two-week postponement of the hearing in this matter, originally scheduled to commence on January 18, 2012. Complainant further indicated that all of its witnesses would be available for the period of February 1, 2012, through May 15, 2012. On November 30, 2011, Respondents requested a telephone conference to discuss the scheduled hearing date, and also stated that Respondents would be available for hearing between February 9, 2012, and the end of March 2012.

A telephone conference call was held on December 2, 2011, during which the parties agreed to hold the hearing from March 20 through 30, 2012.

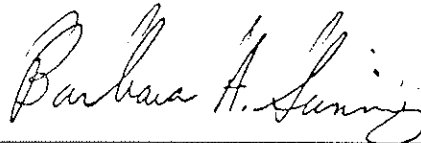
Therefore, the Hearing in this matter will now be held beginning at 9:30 a.m. on Tuesday, March 20, 2012, in or around Roanoke, Virginia, continuing as necessary through March 30, 2012. The Regional Hearing Clerk will make appropriate

arrangements for a courtroom and retain a stenographic reporter. The parties will be notified of the exact location and other procedures pertinent to the hearing when those arrangements are complete. Individuals requiring special accommodation at this hearing, including wheelchair access, should contact the Regional Hearing Clerk at least ten business days prior to the hearing so that appropriate arrangements can be made.

Further, the parties are advised that the deadline for all non-dispositive prehearing motions, such as motions for subpoenas and motions in limine, has been moved to **February 3, 2012**. On or before **February 17, 2012**, the parties shall file a Joint Set of Stipulated Facts, Exhibits, and Testimony. The time allotted for hearing is limited. Therefore, the parties must make a good faith effort to stipulate as much as possible to matters that cannot reasonably be contested so that the hearing can be concise and focused solely on those matters that can only be resolved after a hearing.

The parties may, if they wish, file prehearing briefs by **March 9, 2012**. A copy of the briefs should be e-mailed or hand-delivered to the undersigned by that date in addition to the official copy filed with the Regional Hearing Clerk. If filed, Complainant's brief should specifically state each count of the Complaint and each claim therein that will be tried at the hearing and indicate which counts and claims will not. If filed, Respondents' brief should identify each of the defenses Respondents intend to pursue at the hearing.

THE PARTIES ARE REMINDED THAT IF ANY PARTY DOES NOT INTEND TO ATTEND THE HEARING OR HAS GOOD CAUSE FOR NOT BEING ABLE TO ATTEND THE HEARING AS SCHEDULED, IT SHALL NOTIFY THE UNDERSIGNED AT THE EARLIEST POSSIBLE MOMENT.



Barbara A. Gunning
Administrative Law Judge

Dated: December 6, 2011
Washington, DC