



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

BEFORE THE ADMINISTRATOR

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

ORDER ON COMPLAINANT'S UNOPPOSED MOTION PROPOSING HEARING DATES

By Order issued December 27, 2011, the hearing in this matter was postponed until May 2012 pending the resolution of discovery. In that Order, the parties were instructed to submit a joint status report on or before February 24, 2012, which included a reassessment of the estimated time necessary for each party to present its respective case-in-chief. On January 17, 2012, Complainant filed an Unopposed Motion Proposing Hearing Dates ("Motion") in which it states that its expert witness, Dr. Fruehan, has indicated that he is unavailable for the entire month of May 2012 because he will be joining his wife on a month-long cruise to celebrate their 50th wedding anniversary. Complainant now proposes the hearing be postponed again until June 18, 2012, continuing as necessary through July 3, 2012. Complainant states that Respondents do not oppose the Motion. Given the extensive unavailability of Complainant's expert witness, the unopposed nature of the Motion, and the relatively short delay requested, the Motion is GRANTED for good cause shown.

The parties are reminded that the hearing cannot continue beyond July 3, 2012, as the 4th is a federal holiday and no courtroom will be available at that time. The Motion also reduces the number of days needed for hearing from 15 to 12, indicating that the parties have already reassessed the time needed to present their respective cases. Therefore, the hearing will now be scheduled with precise dates. This does not obviate the need for the parties to submit a joint status report on or before February 24, 2012, confirming that the parties have concluded discovery and stating whether the parties are actively involved in settlement discussions. However, such status report shall not request additional days for the hearing.

The Hearing in this matter will be held beginning promptly at 9:30 a.m. on Monday, June 18, 2012, in Cleveland, Ohio, continuing if necessary, through July 3, 2012. The Regional Hearing Clerk will make appropriate arrangements for a Courtroom and court reporter. The

parties will be notified of the exact location and of other procedures pertinent to the hearing when those arrangements are complete.

Individuals requiring special accommodations at the hearing, including wheelchair access, should contact the Regional Hearing Clerk as soon as possible so that appropriate arrangements can be made.

**THE RESPONDENTS ARE HEREBY ADVISED THAT FAILURE TO APPEAR AT THE HEARING, WITHOUT GOOD CAUSE BEING SHOWN THEREFOR, MAY RESULT IN A DEFAULT JUDGMENT BEING ENTERED AGAINST THEM.**

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.

A handwritten signature in black ink, appearing to read 'S. Biro', written over a horizontal line.

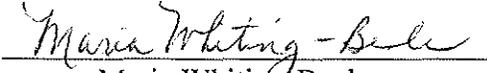
Susan L. Biro  
Chief Administrative Law Judge

Dated: January 17, 2012  
Washington, D.C.

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

CERTIFICATE OF SERVICE

I certify that the foregoing **Order On Complainant's Unopposed Motion Proposing Hearing Dates**, dated January 17, 2012, was sent this day in the following manner to the addressees listed below.

  
\_\_\_\_\_  
Maria Whiting-Beale  
Staff Assistant

Dated: January 17, 2012

Original and One Copy By Regular To:

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