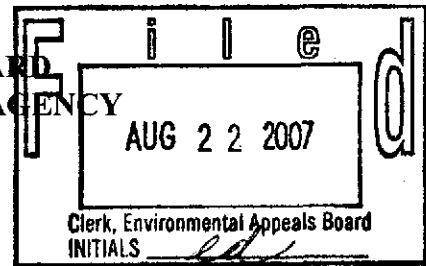


BEFORE THE ENVIRONMENTAL APPEALS BOARD
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C.



In re:)
)
Leed Foundry, Inc.)
)
Docket No. RCRA-03-2004-0061)
_____)

RCRA (3008) Appeal No. 07-02

ORDER SCHEDULING ORAL ARGUMENT

On June 29, 2007, U.S. EPA Region 3 (the "Region") filed a notice of appeal and supporting brief in the above-captioned matter. The Region appeals from an April 24, 2007 Initial Decision issued by Administrative Law Judge William P. Moran ("ALJ"). In that decision, the ALJ dismissed certain portions of a complaint filed by the Region against Leed Foundry, Inc. ("Leed"). In particular, the ALJ dismissed those portions of the complaint alleging that Leed failed to dispose of waste from its facility in a manner consistent with the Resource Conservation and Recovery Act ("RCRA"). The ALJ concluded that the waste at issue was exempt from RCRA's hazardous waste program under a statutory exemption referred to as the Bevill Amendment. RCRA § 3001(b)(3)(A), 42 U.S.C. § 6921(b)(3)(A). On appeal, the Region argues that the ALJ's determination was erroneous and requests that the Board reverse the Initial Decision regarding the applicability of the Bevill Amendment and remand the matter to the ALJ for further proceedings on liability and penalty. On August 20, 2007, Leed filed a response to the Region's appeal.

Upon review of the Initial Decision and the parties' briefs on appeal, the Board has decided that oral argument will assist it in its deliberations of this matter. Accordingly, the parties are hereby invited to participate in oral argument beginning at 10:30 a.m. on Thursday


December 6 , 2007, in the Administrative Courtroom, U.S. Environmental Protection Agency, EPA East Building, Room 1152, 1201 Constitution Avenue, N.W., Washington, D.C. The Board has allocated sixty minutes total for this oral argument, divided as follows: (1) thirty minutes for the Région and (2) thirty minutes for Leed. At the outset of the proceedings, the Region may reserve up to five minutes of its thirty-minute allocated time for rebuttal.

The parties shall notify the Clerk of the Board in writing by Tuesday, November 27, 2007, of the names of counsel who will present argument. Counsel for the parties are advised that the Administrative Courtroom is equipped with state-of- the-art video-conferencing equipment and, accordingly, either party may participate in the oral argument by video conference without attending in person. Counsel for either of the parties who wish to participate in this oral argument via video-conferencing shall contact the Clerk of the Board, at 202-233-0122 no later than Tuesday November 20, 2007, to make arrangements for use of the video-conference equipment.

So ordered.

Dated: 8/22/07

ENVIRONMENTAL APPEALS BOARD

By: 
Edward E. Reich
Environmental Appeals Judge

CERTIFICATE OF SERVICE

I hereby certify that copies of the forgoing Order Scheduling Oral Argument in the matter of Leed Foundry, Inc., RCRA (3008) Appeal No. 07-02, were sent to the following persons in the manner indicated:

By First Class Mail:

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Dated:



Annette Duncan
Secretary