

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5

In the matter of:

Dana Corporation,
Antwerp, Ohio

Respondent.



) Docket No. RCRA-05-2003-0009

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

ORDER TO SUPPLEMENT REQUEST FOR HEARING

On February 2, 2016, Respondent Dana Corporation (Dana) filed a request for a hearing under 40 C.F.R. § 24.05(a). Dana stated that it was filing the request as a protective matter and requested that further proceedings under Part 24 be held in abeyance pending the outcome of the dispute resolution process. In its request, Dana did not identify which hearing procedures—Subpart B or Subpart C—should be employed for the hearing and the reasons therefore, as indicated by 40 C.F.R. § 24.05(d).

Dana must supplement its request for a hearing to identify which procedures it believes should be employed for the requested hearing. In addition, Dana must address the postponement of hearing rules at 40 C.F.R. § 24.10(c) or 24.14(b), as applicable.

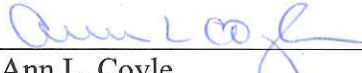
Dana must file and serve its supplemental request for a hearing by March 4, 2016. Its request for a hearing will not be considered received by the Agency until the supplement is filed.

This Order is not a ruling on the merits of Dana's request or EPA's response to and motion to dismiss Dana's request.

The Parties should note that Part 24 does not allow for electronic service of documents, nor does it provide the Presiding Officer with the discretion to order it. All filings in this matter must be served according to 40 C.F.R. § 24.04. The Parties may provide electronic copies as a courtesy; however, the original hard copy filed with the Regional Hearing Clerk will be the record copy and establish the filing date of the document.

IT IS SO ORDERED.

Date: February 19, 2016



Ann L. Coyle
Regional Judicial Officer
U.S. EPA Region 5

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Docket No. RCRA-05-2003-0009

CERTIFICATE OF SERVICE

I certify that I sent the foregoing **ORDER TO SUPPLEMENT REQUEST FOR HEARING** to the following people in the following manner:

Copy, by inter-office mail, to:

Ann L. Coyle
Regional Judicial Officer
U.S. EPA Region 5

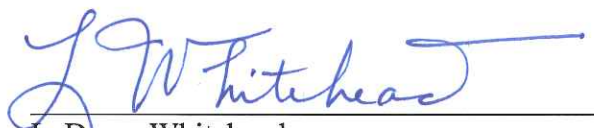
Copy, by inter-office mail,
to counsel for Complainant:

Thomas M. Williams
Associate Regional Counsel
U.S. EPA Region 5
77 West Jackson Blvd. (C-14J)
Chicago, Illinois 60604

Copy, by first-class mail,
to counsel for Respondent:

Richard G. Stoll
Foley & Lardner LLP
3000 K Street, N.W. Suite 600
Washington, DC 20007

On this 19 day of February, 2016.



LaDawn Whitehead
Regional Hearing Clerk
U.S. EPA Region 5