

UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY  
REGION 8  
DOCKET NO.: SDWA-08-2011-0079

2012 JUL 19 AM 10:41

IN THE MATTER OF: )  
 )  
Maralex Disposal, LLC )  
 )  
 )  
Respondent. )  
 )

FILED  
REGION 8  
EPA

**PRETRIAL ORDER**

On July 6, 2012, Complainant filed a Status Report in this matter. The Status Report indicates that Complainant filed a Supplemental Prehearing Exchange on Tuesday, July 3, 2012, several days past the court deadline. Complainant provided good cause for the delay and requested that Respondent's Reply to the Supplemental Prehearing Exchange be extended for one week due to the delay. By way of this Order, the court agrees to the one-week extension. Respondent had until July 13, 2012 to file its reply. As of today, a request for further extension neither was requested nor Reply to Supplemental Prehearing Exchange filed.

Complainant's Status Report also indicates that the parties have not been able to reach settlement and wish to proceed to hearing. Due to the lack of availability of a courtroom, the hearing is changed to **October 10-11, 2012 in Durango, Colorado**. Pursuant to 40 C.F.R. § 22.21(b), a Notice of Hearing will be served upon the parties 30 days prior to the hearing date with the place and time of the hearing. Therefore, the following schedule is in place for all pretrial filings:

- Simplification of issues and stipulation of facts not in dispute - **August 10, 2012**.
- Request for other discovery – **August 17, 2012**.
- Motions for accelerated decision and/or motions to dismiss - **August 31, 2012**.
- General motions – **August 31, 2012**.
- Reply to a motion – **September 17, 2012**.

All documents shall be filed pursuant to 40 C.F.R. § 22.5(a) on or before the date noted above. A final Pretrial conference will be held on **October 2, 2012 at 10:00 am**.

It is so **ORDERED** this 17<sup>th</sup> day of July, 2012.



Elyana R. Sutin  
Regional Judicial Officer  
Region 8

## CERTIFICATE OF SERVICE

The undersigned certifies that the original of the attached **PRETRIAL ORDER** in the matter of **MARALEX DISPOSAL, LLC., DOCKET NO.: SDWA-08-2011-0079** was filed with the Regional Hearing Clerk on July 19, 2012.

Further, the undersigned certifies that a true and correct copy of the documents were delivered to, Amy Swanson, Enforcement Attorney, U. S. EPA – Region 8, 1595 Wynkoop Street, Denver, CO 80202-1129. True and correct copies of the aforementioned documents were placed in the United States mail certified/return receipt requested on July 19, 2012, to:

William E. Zimsky, Esq.  
Abadie Schill  
1099 Main Street, Suite 315  
Durango, CO 81301

E-mailed to:

Honorable Elyana R. Sutin  
Regional Judicial Officer  
U. S. Environmental Protection Agency  
1595 Wynkoop Street (8RC)  
Denver, CO 80202

July 19, 2012



Tina Artemis  
Paralegal/Regional Hearing Clerk

