

UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY

BEFORE THE ADMINISTRATOR

In the Matter of	)	
	)	
United States Department of Agriculture	)	Docket No. RCRA-07-2006-0153
Animal Research Service National Animal	)	
Disease Center,	)	
Respondent.	)	

**PREHEARING SCHEDULING ORDER**

In accordance with 40 C.F.R. 22.19, the parties shall comply with the prehearing filing schedule set forth below.

**I. Prehearing Exchanges**

1. Opening prehearing exchanges are due October 9, 2006. The opening prehearing exchange is to include:
  - a. A list of fact witnesses intended to be called at the hearing, along with a narrative summary of their expected testimony;
  - b. A list of expert witnesses intended to be called at the hearing, along with a narrative summary of their expected testimony;
  - c. A submission of all exhibits intended to be introduced into evidence at hearing;
  - d. An estimate of time needed to present the filing party's case-in-chief; and,
  - e. A view as to the location of the hearing.

Opening prehearing exchanges are mandatory. Failure of the complainant to submit a timely opening prehearing exchange may result in the dismissal of the complaint for lack of prosecution; failure of the respondent to timely submit an opening prehearing exchange may result in the issuance of a default order. 40 C.F.R. 22.17.

2. Replies to opening prehearing exchanges are due October 25, 2006. Replies to opening prehearing exchanges are optional.

**II. Filing Procedure**

The original and one copy of all pleadings required or permitted to be filed in this proceeding shall be sent to the Regional Hearing Clerk and copies shall be sent to the opposing party and to the Presiding Judge. 40 C.F.R. 22.5.

**A. Filing By United States Mail**

The undersigned's mailing address is as follows:

U.S Environmental Protection Agency  
Office of Administrative Law Judges  
Mail Code 1900L / Ariel Rios Building  
1200 Pennsylvania Avenue, N.W.  
Washington, D.C. 20460  
(202) 564-6281 or 564-6255

**B. Filing By Commercial Delivery**

The undersigned's address for commercial delivery (e.g., Federal Express) is as follows:

U.S. Environmental Protection Agency  
Office of Administrative Law Judges  
1099 14th Street, N.W.  
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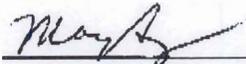
  
Carl C. Charneski  
Administrative Law Judge

Issued: September 13, 2006  
Washington, D.C.

In the Matter of *United States Department of Agriculture Animal Research Service National Animal Disease Center*, Respondent.  
Docket No. RCRA-07-2006-0153

**Certificate of Service**

I certify that the foregoing **Prehearing Scheduling Order**, dated September 13, 2006, was sent this day in the following manner to the addressees below.



Mary Angeles  
Legal Staff Assistant

Original and Copy by Facsimile and Pouch Mail to:

Kathy Robinson  
Regional Hearing Clerk  
U.S. EPA, Region VII  
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Kansas City, KS 66101

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Kansas City, KS 66101

Copy by Facsimile and Regular Mail to:

Gary M. Fremerman, Esq.  
U.S. Dept. of Agriculture / OGC  
Conservation and Environment Division  
Pollution Control Team  
Room 3531 South Building  
1400 Independence Ave., S.W.  
Washington, D.C. 20250-1412

Dated: September 13, 2006  
Washington, D.C

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
OFFICE OF ADMINISTRATIVE LAW JUDGES

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Date: 9/13/06

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Judge Carl Charneski

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Of: USDA, Wash. DC

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Of:

In Re: USDA, Animal Research Review Not a Animal Disease Center  
Docket No. RCRA-07-2006-0183

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