

UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY  
REGION 8

2011 DEC 28 PM 1:12

FILED  
EPA REGION VIII  
MEMPHIS TN BRK

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

Proceeding under Section 1423  
of the Safe Drinking Water Act,  
42 U.S.C. § 300h-2

**DOCKET NO.: SDWA-08-2011-0079**

**SCHEDULING ORDER**

On December 16, 2011, the Parties filed a Status Report indicating that settlement is at an impasse and requested that this court proceed with a scheduling order. Therefore, pursuant to 40 C.F.R. § 22.19(a) of the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties, Issuance of Compliance or Corrective Action Orders, and the Revocation, Termination or Suspension of Permits (“Consolidated Rules”), the parties shall file a prehearing exchange of information. The prehearing exchange shall include all documents and witnesses intended to be introduced as evidence at the hearing. See, 40 C.F.R. § 22.19(a)(1)-(4). Specifically, the prehearing exchange shall also include the following:

1. **Complainant and Respondent** – Pursuant to 40 C.F.R. § 22.19(a)(4) all factual information each party considers relevant to the assessment of a penalty shall be included in the prehearing exchange.
2. **Respondent** – Any financial information necessary to show an inability to pay the penalty if Respondent is claiming such.

Prehearing exchanges will be submitted consecutively according to the following schedule:

**Complainant’s Prehearing Exchange is due on or before February 15, 2012.**

**Respondent’s Prehearing Exchange is due on or before February 29, 2012.**

**Complainant’s Rebuttal Prehearing Exchange is due on or before March 14, 2012.**

Pursuant to 40 C.F.R. § 22.19(b), a prehearing conference will be held within two weeks after the completion of prehearing exchange to determine if any additional discovery is necessary and to schedule a hearing date.

Pursuant to 40 C.F.R. §§ 22.19(d) and 22.21(d) the location of the prehearing conference and the hearing “shall be held in the county where the respondent resides or conducts the business which the hearing concerns, in the city which the relevant Environmental Protection Agency Regional Office is located....unless the Presiding Officer determines that there is good cause to hold it at another location or by telephone.” In their respective prehearing exchange, the parties shall advise the court of their preference for the location of the prehearing conference and hearing.

**ORDER**

1. Prehearing exchanges are due **February 15, 2012, February 29, 2012 and March 14, 2012, respectively;**
4. Second Prehearing Conference will be held on **March 27, 2012**. The place and time is yet to be determined.

**SO ORDERED This 20<sup>th</sup> Day of December, 2011.**

  
**Elyana R. Sutin**  
**Presiding Officer**

**CERTIFICATE OF SERVICE**

The undersigned certifies that the original of the attached, **SCHEDULING ORDER** in the matter of **MARALEX DISPOSAL, LLC.; DOCKET NO.: SDWA-08-2011-0079** was filed with the Regional Hearing Clerk on December 28, 2011.


Further, the undersigned certifies that a true and correct copy of the documents were delivered to, James H. Eppers, Senior 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 and e-mail on December 28, 2011 to:

William E. Zimsky (#25318)  
Abadie, Schill  
1099 Main Avenue, Suite 315  
Durango, CO 81301  
E-mail: oilgaslaw.net

E-mailed to:

Honorable Elyana R. Sutin  
Regional Judicial Officer  
U. S. EPA Region 8 (SRC)  
1595 Wynkoop Street  
Denver, CO 80202-2466

December 28, 2011

  
Tina Artemis  
Paralegal/Regional Hearing Clerk

