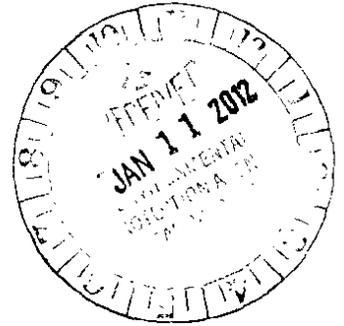




UNITED STATES
 ENVIRONMENTAL PROTECTION AGENCY
 BEFORE THE ADMINISTRATOR



IN THE MATTER OF)
)
 CHEMSOLV, INC., formerly)
 trading as Chemicals and)
 Solvents, Inc.)
)
 and)
)
 AUSTIN HOLDINGS-VA, L.L.C.,)
)
 RESPONDENTS)

DOCKET NO. RCRA-03-2011-0068

ORDER ON COMPLAINANT'S MOTION TO FILE
 ORIGINAL DECLARATION NUNC PRO TUNC

On December 22, 2011, Complainant filed a Reply Brief to its Motion for Partial Accelerated Decision ("Brief"). On December 23, 2011, Complainant filed a Motion to File Original Declaration *Nunc Pro Tunc* ("Motion") seeking leave to append the Declaration of Dr. Joe Lowry, included therein, to the Brief. In support of its Motion, Complainant asserts that the Declaration was intended to be included with the Brief, but that it was delayed due in part to serious inclement weather in Denver, Colorado, and in part due to an injury suffered by Dr. Lowry, which confined him to his home in Colorado. Complainant notes that the Declaration, while filed one day after the Brief, was still filed within the response period allowed under the Rules of Practice that govern this proceeding. Counsel for Respondents has informed the undersigned's staff attorney that it will file no opposition to the Motion. For good cause shown, the unopposed Motion is **GRANTED**. The original Declaration of Dr. Joe Lowry is accepted as filed *nunc pro tunc*.

Barbara A. Gunning
 Administrative Law Judge

Dated: January 5, 2012
 Washington, DC

**In the Matter of *Chemsoly, Inc., formerly trading as Chemicals and Solvents, Inc., and Austin Holdings-VA, LLC*, Respondents.
Docket No. RCRA-03-2011-0068**

CERTIFICATE OF SERVICE

I hereby certify that a true copy of this **Order on Complainant's Motion to File Original Declaration *nunc pro tunc***, issued by Barbara A. Gunning, Administrative Law Judge, dated January 5, 2012, in Docket No. RCRA-03-2011-0068, was sent to the following parties on this 6th day of January 6, 2012, in the manner indicated:



Mary Angeles
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Original and One Copy by Pouch Mail to:

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**Dated: January 6, 2012
Washington, DC**
