

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5

In the Matter of:)
)
Carbon Injection Systems LLC;)
Scott Forster, President;)
Eric Lofquist, Vice President)
Gate #4 Blast Furnace Main Ave)
Warren Township, OH 44483)
)
EPA ID No. OHR000127910)
)
Respondents.)

Docket No. RCRA-05-2011-0009

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PROTECTION AGENCY

AGREED MOTION FOR MODIFYING THE PRE-HEARING SCHEDULE

Complainant United States Environmental Protection Agency and Respondents Carbon Injection Systems LLC, Scott Forster and Eric Lofquist (collectively, the "Parties"), by and through their undersigned counsel, jointly move to modify the pre-hearing schedule to extend some, but not all, of the deadlines for pre-hearing submittals¹, as follows:

1. The Parties request that the deadline for filing supplemental pre-hearing exchanges be extended by one week to April 23, 2012. Presently, the deadline is the first business day after the deadline for reply briefs in support of the Parties' cross motions for accelerated decision, which makes it difficult to devote time to supplementing the record. The Parties also believe it would be appropriate to have an opportunity to review the reply briefs before finalizing their supplemental pre-hearing exchanges.

¹ The Parties' Joint Stipulations as to Facts, Exhibits and Testimony are due Monday, April 9, 2012, and the Parties' Replies to the responses to Motions for Accelerated Decision are due Friday, April 13, 2012.

2. The Parties request that the deadline for filing motions *in limine* be extended to May 18, 2012, closer in time to the hearing and after the pre-hearing exchanges are complete and the issues for the hearing are potentially are narrowed by any rulings on the cross motions for accelerated decision.

3. The Parties request that the deadline for filing requests for subpoenas and prehearing briefs be extended to June 1, 2012, closer in time to the hearing and after the pre-hearing exchanges are complete and the issues for the hearing have been further crystallized by any rulings on the cross motions for accelerated decision and the motions *in limine*.

The Parties are not asking that all deadlines be extended, such that the briefing schedule for accelerated motions is unaffected, and the time for the final hearing is not extended. Counsel for the parties have consulted and have agreed on the dates proposed in this motion, and this motion is made jointly by the Parties.

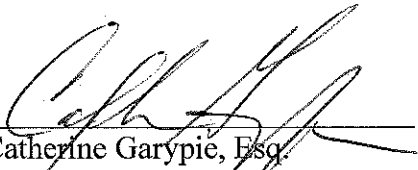
WHEREFORE, the Parties request that this motion to modify the pre-hearing schedule be granted. A proposed order is attached.

Respectfully submitted,

Counsel for U.S. EPA:

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4/6/12
Date


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ORDER

It is hereby ORDERED that the Parties' Agreed Motion for Leave to Modify Prehearing Schedule is GRANTED. The parties shall adhere to the following deadlines:

1. The deadline for motions to supplement the pre-hearing exchange is **April 23, 2012.**
2. The deadline for filing motions *in limine* is **May 18, 2012.**
3. The deadline for filing requests for subpoenas is **June 1, 2012.**
4. If either party intends to submit a prehearing brief, such brief(s) shall be received on or before **June 1, 2012.**

All other previously established deadlines shall remain in place.

SO ORDERED.

Dated: April __, 2012
Washington, DC

Susan L. Biro
Chief Administrative Law Judge

**In the Matter of Carbon Injection Systems LLC, Scott Forster, and Eric Lofquist,
Respondents, Docket No. RCRA-05-2011-0009**

CERTIFICATE OF SERVICE

I, hereby certify that the foregoing Agreed Motion to Modify Prehearing Schedule was sent on April 6, 2012, in the manner indicated, to the following:

Original and one copy by hand delivery to:

LaDawn Whitehead, Regional Hearing Clerk
U.S. EPA, Region 5
77 West Jackson Boulevard
Chicago, Illinois 60604

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Copy by regular mail to:

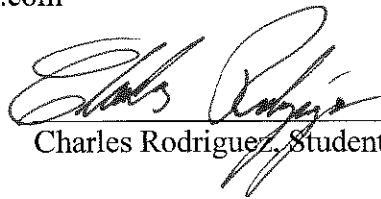
The Honorable Susan L. Biro, Chief Administrative Law Judge
U.S. EPA Office of the Hearing Clerk
Mailcode 1900L
1200 Pennsylvania Avenue NW
Washington, DC 20460

Copy by e-mail and regular mail to:

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April 6, 2012



Charles Rodriguez, Student Aide