



UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY

BEFORE THE ADMINISTRATOR

In the Matter of: )  
 )  
Arizona Environmental Container Corporation, ) Docket No. EPCRA-09-2007-0028  
 )  
Respondent. )

ORDER SCHEDULING HEARING

A review of the file reflects that the prehearing exchange process in this case has been completed and all pending motions have been ruled upon. Therefore, the case is ripe for scheduling for hearing.

Agency policy strongly supports settlement. Therefore, the parties are directed to hold a settlement conference on or before **June 13, 2008** and attempt to reach an amicable resolution of this matter. The Complainant shall file a status report regarding such conference and the status of settlement on or before **June 20, 2008**.

In the event the parties have failed to reach a settlement by that date, they shall strictly comply with the requirements of this Order and prepare for a hearing. In connection therewith, on or before **July 11, 2008**, the parties shall file a Joint Set of Stipulated Facts, Exhibits, and Testimony. The time allotted for the hearing is limited. Therefore, the parties must make a good faith effort to stipulate, as much as possible, to matters which cannot reasonably be contested so that the hearing can be concise and focused solely on those matters which can only be resolved after a hearing.

All pre-hearing motions, such as motions to amend and motions in limine, must be filed on or before **July 31, 2008**.

The parties may, if they wish, file prehearing briefs. The deadline for filing such briefs is Friday, **September 12, 2008**. A copy of the briefs should be faxed and/or hand-delivered to the undersigned by that date. The Complainant's brief should specifically state each count of the Complaint, and each claim therein, which are to be tried at the hearing and indicate which counts/claims are not. The Respondent's brief should identify each of the defenses the Respondent intends to pursue at the hearing.

The Hearing in this matter will be held beginning promptly at 9:30 a.m. on Tuesday, September 23, 2008 in or near Eloy, Arizona, continuing if necessary, on September 24-26, 2008.<sup>1</sup> The Regional Hearing Clerk will make appropriate arrangements for a Courtroom. The parties will be notified of the exact location and of other procedures pertinent to the hearing when those arrangements are complete.

Individuals requiring special accommodations at the hearing, including wheelchair access, should contact the Regional Hearing Clerk, as soon as possible so that appropriate arrangements can be made.

**THE RESPONDENT IS HEREBY ADVISED THAT FAILURE TO APPEAR AT THE HEARING, WITHOUT GOOD CAUSE BEING SHOWN THEREFOR, MAY RESULT IN A DEFAULT JUDGMENT BEING ENTERED AGAINST IT.**

IF EITHER PARTY DOES NOT INTEND TO ATTEND THE HEARING OR HAS GOOD CAUSE FOR NOT BEING ABLE TO ATTEND THE HEARING AS SCHEDULED, IT SHALL NOTIFY THE UNDERSIGNED AT THE EARLIEST POSSIBLE MOMENT.



Susan L. Biro  
Chief Administrative Law Judge

Dated: May 29, 2008  
Washington, D.C.

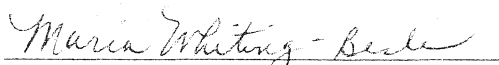
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<sup>1</sup> The hearing location chosen is the location of the facility and the chemical (styrene) at issue in this case and as to which Respondent allegedly failed to timely submit an EPCRA Toxic Chemical Release Report for calendar year 2005. Eloy, Arizona is equidistant from the cities of Phoenix and Tucson, Arizona and the Regional Hearing Clerk may alternatively attempt to secure appropriate hearing facilities in those cities.

In the Matter of Arizona Environmental Container Corporation, Respondent  
Docket No. EPCRA-09-2007-0028

CERTIFICATE OF SERVICE

I certify that the foregoing **Order Scheduling Hearing**, dated May 29, 2008, was sent this day in the following manner to the addressees listed below.



Maria Whiting-Beale  
Staff Assistant

Dated: May 30, 2008

Original And One Copy By Pouch Mail To:

Danielle E. Carr  
Regional Hearing Clerk  
U.S. EPA  
75 Hawthorne Street, ORC-1  
San Francisco, CA 94105

Copy By Pouch Mail To:

Carol Bussey, Esquire  
Assistant Regional Counsel  
U.S. EPA  
75 Hawthorne Street, ORC-2  
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Copy By Regular Mail To:

Kirk Sullivan  
President and CEO  
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