



UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY

BEFORE THE ADMINISTRATOR

In the Matter of)
)
Valvo's Convenience & Gas, Inc.) Docket No. RCRA-02-2011-7507
And Stephen Valvo)
Respondent)

Order on Unopposed Motion to Re-Schedule Hearing

The Order Scheduling Hearing in this proceeding set the hearing in this matter to commence on July 10, 2012. On May 10, 2012, Complainant submitted an unopposed Motion for Extension of Time for Hearing Date, seeking an extension of time to file certain prehearing documents and requesting that the hearing be rescheduled to commence no earlier than the week of September 10, 2012. Grounds stated in the Motion are that Complainant's counsel is unavailable due to medical reasons.

The Rules of Practice governing this proceeding, 40 C.F.R. part 22, provide, "No request for postponement of a hearing shall be granted except upon motion and for good cause shown." 40 C.F.R. § 22.21(c). As to extensions of time to file documents, the Rules provide that the presiding officer may grant an extension of time for filing any document "upon timely motion . . . , for good cause shown, and after consideration of prejudice to other parties." 40 C.F.R. § 22.7(b).

For good cause shown, Respondent's Motion for Extension of Time for Hearing Date is **GRANTED**. In the event the parties have not filed a fully executed Consent Agreement and Final Order settling this matter beforehand, the parties shall make prehearing filings according to the following schedule:

1. Any dispositive motions, including any motion for accelerated decision or dismissal as to any or all counts in the Complaint, shall be filed on or before **July 20, 2012**.
2. Any non-dispositive motions shall be filed on or before **August 3, 2012**.
3. Stipulated Facts, Exhibits and Testimony shall be filed on or before **August 17, 2012**.
4. If a party wishes to add a proposed witness, document, or exhibit to its prehearing exchange, it must file a timely motion to supplement the prehearing exchange no later than **August 27, 2012**. Motions filed after this date will not be considered absent extraordinary circumstances.

5. The parties may file prehearing briefs (which may substitute for an opening statement at the hearing) on or before **August 31, 2012**. It should be emailed (oaljfilng@epa.gov), faxed and/or hand-delivered to the undersigned by that date.

The hearing in this matter is hereby rescheduled to begin promptly at 9:30 a.m. on Tuesday, September 11, 2012, at a location to be determined, continuing if necessary, on September 14, 2012. The 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.

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. COMPLAINANT IS HEREBY ADVISED THAT FAILURE TO APPEAR AT THE HEARING MAY RESULT IN DISMISSAL OF THIS MATTER.

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.

SO ORDERED.

Dated: May 10, 2012

M. Lisa Buschmann
Administrative Law Judge