



**UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
BEFORE THE ADMINISTRATOR**

In the Matter of:)
)
Andrew B. Chase, a/k/a Andy Chase,)
Chase Services, Inc., Chase Convenience) **Docket No. RCRA-02-2011-7503**
Stores, Inc., and Chase Commercial)
Land Development, Inc.,)
)
Respondents.)

ORDER RESCHEDULING HEARING

By Notice of Hearing and Scheduling Order and Order on Motion to Extend Filing Deadline for Dispositive Motions issued December 22, 2011 (“Notice of Hearing”), the undersigned scheduled the hearing in this matter to commence on Tuesday, April 17, 2012, and continue if necessary through April 20, 2012, in Plattsburgh, New York, and also set forth other prehearing deadlines.

In a Motion for Partial Reconsideration of the Order of December 22, 2011 (“Motion”), dated December 23, 2011, Complainant requests that the hearing be rescheduled to begin at least one week later, April 24, 2012, or “preferably to [begin] May 15th.” Motion at 2. For good cause, Complainant’s counsel states that he is scheduled to deliver a lecture on April 19, 2012, in New York City, and therefore, has a scheduling conflict with the hearing as scheduled. Holding the hearing in mid-May is preferred, counsel states, because he is an adjunct college lecturer, and wishes to avoid conflicts with his teaching schedule.

On January 4, 2012, Respondents submitted a Response to Motion for Partial Reconsideration of December 22, 2011 Order (“Response”), wherein Respondents’ counsel states that he is scheduled to appear at a trial during April 16-27, 2012, and therefore is unavailable during those days. Further, Respondents’ counsel rejects Complainant’s suggested May date, and requests that the hearing be rescheduled for either the week of June 4-8, 2012, or the week of June 11-15, 2012. Staff of the undersigned called Respondents’ counsel, and his staff confirmed that the June dates are the only dates on which he is available. Counsel for Complainant was also contacted, and he stated that he does not oppose rescheduling the hearing to the June dates suggested in Respondents’ Response.

The Rules provide that “[n]o 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 the undersigned pointed out in the Notice of Hearing, this matter has been pending since April 2011, and Complainant has already requested multiple extensions of time that have been granted. The parties are hereby put on notice that good cause for any further extension of this proceeding or delay of the hearing would likely be exceedingly difficult for the undersigned to find.

It is **ORDERED** that the hearing in this matter is rescheduled to begin at 9:30 a.m. on Tuesday, June 12, 2012, and continue if necessary through Friday, June 15, 2012, in Plattsburgh, New York. All other deadlines set forth in the Notice of Hearing issued December 22, 2011, shall remain in effect.¹



Susan L. Biro
Chief Administrative Law Judge

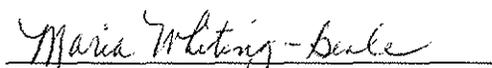
Date: January 5, 2012
Washington, D.C.

¹ Such deadlines include February 3, 2012, for dispositive motions; February 17, 2012, and March 2, 2012 for status reports; March 16, 2012, for all other motions; March 23, 2012, for Joint Set of Stipulated Facts, Exhibits and Testimony; and March 30, 2012, for prehearing briefs.

In the Matter of Andrew B. Chase, a/k/a Andy Chase, Chase Services, Inc., Chase Convenience Stores, Inc. and Chase Commercial Land Development, Inc., Respondents
Docket No. RCRA-02-2011-7503

CERTIFICATE OF SERVICE

I certify that the foregoing **Order Rescheduling Hearing**, dated January 5, 2012, was sent this day in the following manner to the addressees listed below.



Maria Whiting-Beale
Staff Assistant

Dated: January 5, 2012

Original And One Copy By Regular Mail To:

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