

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY



In the Matter of

INDUSTRIAL SCRAP CORPORATION

Docket EPCRA-15-1991

Judge Greene

Respondent

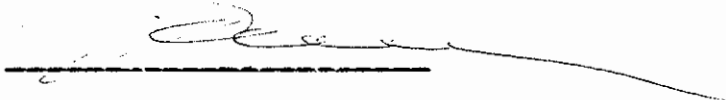
ORDER GRANTING MOTION FOR
PARTIAL "ACCELERATED DECISION"

By motion of December 20, 1991, complainant herein moved for partial "accelerated decision" with respect to the issue of whether respondent's facility constitutes a "facility" which produces, uses, or stores hazardous chemicals within the meaning of both § 101(9)(B) of CERCLA [42 U.S.C. § 9601(9)(B)] and § 304(a) of EPCRA [42 U.S.C. § 11004(a)] as alleged in Counts I and II (paragraphs 3 and 15) of the complaint issued on September 27, 1991. Respondent's answer to the complaint, filed on

on October 21, 1991, admitted that it is a "facility" within the meaning of §101(9)(A) of CERCLA, denied as to §101(9)(B), admitted that it "may be" a facility as defined in §329(4) of EPCRA but denied that it is a facility "as described in Section 304(a) of EPCRA, 42 U.S.C. 110004(a) [sic] as it is not a facility at which a hazardous chemical is produced, used, or stored".

Based upon the pleadings and complainant's motion 1/, it is hereby ORDERED that complainant's motion for "accelerated decision" with respect to the issue of whether respondent's facility is a "facility" within the meaning of § 101(9)(B) of CERCLA and §304(a) of EPCRA is hereby granted. 2/

Opinion, Findings, and Conclusions of Law to follow.



J. F. Greene
Administrative Law Judge

Washington, D. C.
January 7, 1992

1/ As of 5:00 p.m. EST on January 7, 1992, no response to complainant's motion had been received by the regional hearing clerk.

2/ Complainant moved in the alternative for an order to strike respondent's denials that it is a facility as alleged. Since partial "accelerated decision" has been granted, it is not necessary to address this portion of the motion.

In the Matter of Industrial Scrap Corporation, Respondent
Docket No. EPCRA-15-1991

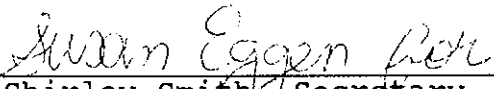
CERTIFICATE OF SERVICE

I do hereby certify that the foregoing Order Granting Motion for Partial "Accelerated Decision", dated January 7, 1992 was mailed to the following:

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Shirley Smith, Secretary

Dated: January 7, 1992