



UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY

BEFORE THE ADMINISTRATOR

IN THE MATTER OF)
)
SERVICE SUPPLY OF VICTORIA,) DOCKET NO. CAA-06-2009-3374
) CAA-06-2009-3375
)
)
RESPONDENT)

ORDER TO CONSOLIDATE AND POSTPONE PREHEARING EXCHANGE

On July 6, 2009, the undersigned entered an Order scheduling the Prehearing Exchange in this matter. On July 24, 2009, Complainant filed an unopposed motion for an extension of time for the filing of prehearing exchanges. The undersigned granted the motion pursuant to an Oral Order and ordered Complainant to file a Status Report by September 1, 2009.

On August 27, 2009, Complainant filed a Motion to Consolidate. Complainant seeks to consolidate two cases against Respondent: Docket Nos. CAA-06-2009-3374 and CAA-06-2009-3375. Section 22.12(a) of the Rules of Practice governs consolidation of matters at issue in two or more proceedings. Specifically, Section 22.12(a) of the Rules of Practice in its entirety provides as follows:

The Presiding Officer or the Environmental Appeals Board may consolidate any or all matters at issue in two or more proceedings subject to these Consolidated Rules of Practice where: there exist common parties or common questions of fact or law; consolidation would expedite and simplify consideration of the issues; and consolidation would not adversely affect the rights of parties engaged in otherwise separate proceedings.

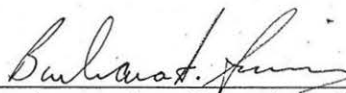
40 C.F.R. § 22.12(a).

In support of its motion, Complainant states that both cases are against the same Respondent. Additionally, both cases are related to the alleged illegal importation of CFCs, and will

involve many of the same witnesses and documents. Accordingly, Complainant argues that the cases should be consolidated in order to expedite and simplify consideration of the issues. Respondent does not object to the consolidation of these matters. For good cause shown, the Motion to Consolidate is **GRANTED**.

Also on August 27, 2009, Complainant filed a Status Report and Motion to Postpone Prehearing Exchange. In support of its motion, Complainant states that the parties have an agreement in principle. The parties are in the process of reviewing a draft Consent Agreement and Final Order. For good cause shown, Complainant's Motion to Postpone Prehearing Exchange is **GRANTED**.

Complainant is directed to file a Status Report by October 9, 2009, if both matters are not fully resolved by the execution of the Consent Agreement and Final Order by that time.



Barbara A. Gunning
Administrative Law Judge

Dated: September 4, 2009
Washington, DC

In the Matter of Service Supply of Victoria, Inc., Respondents
Docket Nos. CAA-06-2009-3374 & CAA-06-2009-3375

Certificate of Service

I certify that the foregoing **Order To Consolidate And Postpone Prehearing Exchange**, dated September 4, 2009, was sent this day in the following manner to the addressees listed below.


Mary Angeles
Legal Staff Assistant

Dated: September 4, 2009

Original And One Copy By Pouch Mail to:

Lorena Vaughn
Regional Hearing Clerk
U.S. EPA
1445 Ross Avenue, Suite 1200
Dallas, TX 75202-2733

Copy By Pouch Mail And Facsimile To:

Evan Pearson, Esquire
Enforcement Counsel (6RC-ER)
U.S. EPA
1445 Ross Avenue
Dallas, TX 75202-2733

Copy By Regular Mail And Facsimile To:

Lawrence W. Hanson, Esquire
Law Office of Lawrence W. Hanson, P.C.
One Riverway, Suite 2300
Houston, TX 77056