



UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY

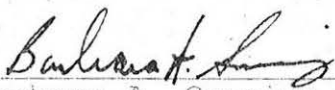
BEFORE THE ADMINISTRATOR

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

ORDER TO POSTPONE PREHEARING EXCHANGE

On October 13, 2009, the parties and the undersigned held a conference call. The parties made representations that they have an agreement in principle. For good cause shown, the Prehearing Exchange is postponed.

Complainant is directed to file a Status Report by November 2, 2009, if both matters are not fully resolved by the execution of the Consent Agreement and Final Order by that time.

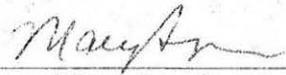
  
\_\_\_\_\_  
Barbara A. Gunning  
Administrative Law Judge

Dated: October 14, 2009  
Washington, DC

**In the Matter of *Service Supply of Victoria*, Respondent.  
Docket No. CAA-06-2009-3374 & CAA-06-2009-3375**

CERTIFICATE OF SERVICE

I hereby certify that the foregoing **Order to Postpone Prehearing Exchange**, dated October 14, 2009, was sent this day in the following manner to the addressees listed below.



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Mary Angeles  
Legal Staff Assistant

Original and One Copy by Pouch Mail to:

Lorena Vaughn  
Regional Hearing Clerk  
U.S. EPA, Region VI  
1445 Ross Avenue  
Dallas, TX 75202

Copy by Pouch Mail to:

Evan L. Pearson, Esq.  
Sr. Enforcement Counsel (6RC-ER)  
RCRA Enforcement Branch  
Office of Regional Counsel  
U.S. EPA, Region VI  
1445 Ross Avenue  
Dallas, TX 75202-2733

Copy by Regular Mail to:

Lawrence W. Hanson, Esq.  
The Law Office of Lawrence W. Hanson, PC  
One Riverway, Suite 2300  
Houston, TX 77056

Dated: October 14, 2009  
Washington, D.C.

UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY  
  
BEFORE THE ADMINISTRATOR

In the Matter of: )  
 )  
99 CENTS ONLY STORES, ) Docket No. FIFRA-9-2008-0027  
 )  
Respondent. )

ORDER ON MOTION FOR EXTENSION OF TIME  
AND MOTION TO CONFORM TRANSCRIPT TO PROCEEDINGS

The hearing in this matter was held on June 23-24, 2009, and thereafter, an Order Regarding Post-Hearing Briefs was issued, requiring the parties to file initial post-hearing briefs on or before October 9, 2009, and to file reply briefs on or before October 26, 2009.

On October 7, 2009, Complainant filed an Unopposed Motion to Extend Filing Deadlines for Post-Hearing Briefs and Replies to extend the due dates by one week, on the basis that he has been attempting to arrange necessary medical treatment for his mother. Complainant requests an extension of time until October 16 for initial briefs and until October 23 for reply briefs, and states that Respondent does not oppose the Motion. However, because the reply briefs were set to be due on October 26, it appears that the October 23 date is an error. The Motion will be taken as requesting a one week extension, until November 2, for reply briefs.

For good cause, the request for extension of time is **GRANTED**. The parties' initial briefs shall be filed on or before **October 16, 2009**, and reply briefs shall be filed on or before **November 2, 2009**.

On September 23, 2009, Complainant filed a Motion for Leave to File Motion to Conform Transcript to Proceedings (Motion for Leave), and an attached Motion to Conform Transcript to Proceedings (Motion to Conform). The Motion for Leave acknowledges that the Rules of Practice which govern this proceeding, 40 C.F.R. Part 22 (Rules), provide at 40 C.F.R. § 22.25 that "Any party may file a motion to conform the transcript to the actual testimony within 30 days after receipt of the transcript . . . ." and that Complainant received the transcript on August 10, 2009. Thus, the Rules required Complainant to file the Motion on or before September 9, 2009. The Motion for Leave states that Complainant's counsel was unable to review the transcript until after this time due to scheduled vacation and case deadlines, did not anticipate the unusual number of transcription errors, and additional time was necessary to identify them. Respondent urges that its Motion to Conform be granted to give effect to the testimony. Complainant states that it provided Respondent's counsel with proposed corrections



to the transcript errors, but has not received a response.

No response has been filed by Respondent, and the 15 day period for filing a response, provided by 40 C.F.R. § 22.16(b), has elapsed. No prejudice is apparent from the delay in filing the Motion to Conform.

Accordingly, Complainant's Motion for Leave to File Motion to Conform Transcript to Proceedings and Motion to Conform Transcript to Proceedings are **GRANTED**. The transcript shall be deemed to appear as shown in Complainant's Motion to Conform Transcript to Proceedings.



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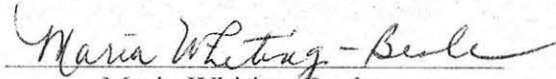
Susan E. Biro  
Chief Administrative Law Judge

Dated: October 9, 2009  
Washington, D.C.

In the Matter of 99 Cents Only Stores, Respondent  
Docket No. FIFRA-09-2008-0027

CERTIFICATE OF SERVICE

I certify that the foregoing **Order On Motion For Extension Of Time And Motion To Conform Transcript to Proceedings**, dated October 9, 2009, was sent this day in the following manner to the addressees listed below.

  
Maria Whiting-Beale  
Staff Assistant

Dated: October 13, 2009

Original And One Copy By Pouch Mail To:

Steven Armsey  
Acting Regional Hearing Clerk  
U.S. EPA  
75 Hawthorne Street, ORC-1  
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Copy By Pouch Mail To:

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