



UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY

BEFORE THE ADMINISTRATOR

IN THE MATTER OF )  
)  
SERVICE SUPPLY OF VICTORIA, ) DOCKET NOS. CAA-06-2009-3374  
) CAA-06-2009-3375  
)  
)  
RESPONDENT )

ORDER TO REINSTATE PREHEARING EXCHANGE

On July 6, 2009, the undersigned entered an Order scheduling the Prehearing Exchange in the matter of Service Supply of Victoria, Docket No. CAA-06-2009-3374. On July 24, 2009, Complainant filed an unopposed motion for an extension of time for the filing of the 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 sought to consolidate two cases against Respondent: Docket Nos. CAA-06-2009-3374 and CAA-06-2009-3375. Also on August 27, 2009, Complainant filed a Status Report and Motion to Postpone Prehearing Exchange. In support of its motion, Complainant stated that the parties had an agreement in principle to settle this matter. The Motion to Consolidate and the Motion to Postpone Prehearing Exchange were granted in an Order dated September 4, 2009.

On October 13, 2009, the parties and the undersigned held a conference call because Complainant had reported in its October 1, 2009 Status Report that although a draft Consent Agreement and Final Order ("CAFO") had been sent to Respondent in August 2009, Respondent had not communicated with Complainant. Nevertheless, during the conference call, the parties made representations that they had an agreement in principle. For good cause shown, the Prehearing Exchange was postponed yet again. In an Order dated October 14, 2009, Complainant was directed to file a Status

Report by November 2, 2009, if both matters were not fully resolved by the execution of the CAFO by that time.

In the November 2, 2009 Status Report, Complainant has indicated that although the parties have a settlement in principle, there is no signed CAFO at this time. Complainant's Status Report indicates that on October 23, 2009, Respondent proposed modifications to a draft CAFO. Complainant states that while it submitted its response to Respondent's proposed modifications on October 26, 2009, Complainant has not heard back from Respondent.

Accordingly, the Prehearing Order is reinstated as to the consolidated matter. The parties are directed to refer to the July 6, 2009 Prehearing Order. The prehearing exchanges delineated in the July 6, 2009 Prehearing Order shall be filed *in seriatim* manner, according to the following schedule:

- December 18, 2009 - Complainant's Initial Prehearing Exchange
- January 19, 2010 - Respondent's Prehearing Exchange, including any direct and/or rebuttal evidence
- February 2, 2010 - Complainant's Rebuttal Prehearing Exchange (if necessary)

The original and one copy of all pleadings, statements and documents (with any attachments) required or permitted to be filed in this Order (including a ratified Consent Agreement and Final Order) shall be filed with the Regional Hearing Clerk, and copies (with any attachments) shall be sent to the undersigned and all other parties. The parties are advised that E-mail correspondence with the Administrative Law Judge is not authorized. See Section 22.5(a) of the Rules of Practice, 40 C.F.R. § 22.5(a).

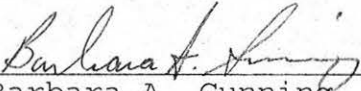
The prehearing exchange information required by this Order to be sent to the Presiding Judge, as well as any other further pleadings, shall be addressed as follows:

Judge Barbara A. Gunning  
Office of Administrative Law Judges  
U.S. Environmental Protection Agency

Mail Code 1900L  
1200 Pennsylvania Ave., NW  
Washington, DC 20460-2001

Hand-delivered packages transported by Federal Express or another delivery service which x-rays their packages as part of their routine security procedures, may be delivered directly to the Offices of the Administrative Law Judges at 1099 14th Street, NW, Suite 350, Washington, DC 20005.

Telephone contact may be made with my legal staff assistant, Mary Angeles at (202) 564-6281. The facsimile number is (202) 565-0044.

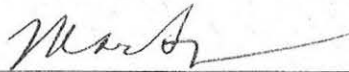
  
\_\_\_\_\_  
Barbara A. Gunning  
Administrative Law Judge

Dated: November 5, 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 Reinstate Prehearing Exchange**, dated November 5, 2009, was sent this day in the following manner to the addressees listed below.



---

Mary Angeles  
Legal Staff Assistant

Original and One Copy by Facsimile and Pouch Mail to:

Lorena Vaughn  
Regional Hearing Clerk  
U.S. EPA, Region VI  
1445 Ross Avenue  
Dallas, TX 75202  
Fx: 214.665.2182

Copy by Facsimile and 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  
Fx: 214.665.3177

Copy by Facsimile and Regular Mail to:

Lawrence W. Hanson, Esq.  
The Law Office of Lawrence W. Hanson, PC  
One Riverway, Suite 2300  
Houston, TX 77056  
Fx: 713.961.8022

Dated: November 5, 2009  
Washington, D.C.