

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY

BEFORE THE ADMINISTRATOR

In the Matter of)	
)	
Isochem North America, LLC,)	Docket No. TSCA-02-2006-9143
)	
Respondent.)	
)	

ORDER RESCHEDULING DATE OF HEARING

The Complaint in this matter was filed on March 21, 2006. Respondent answered the Complaint, prehearing exchanges were filed, and this matter was set for hearing. After the hearing was postponed and several motions were filed and ruled upon, the hearing was rescheduled to commence on March 4, 2008.

On February 4, 2008, Complainant submitted a motion to compel production of documents, requesting an order compelling Respondent to produce and provide to Complainant the financial statements for 2007 referenced in Respondent's Supplemental Prehearing Exchange. On February 8, 2008, Complainant submitted a motion to compel Respondent to answer interrogatories and to produce documents by April 1, 2008 and to direct a deposition to be taken during the week of April 7, 2008. In that motion, Complainant requests that the hearing be postponed until April 29, 2008.

The time provided by the Rules of Practice, 40 C.F.R. Part 22, for responding to a motion is fifteen days from the date of service of the motion. 40 C.F.R. § 22.16(b). Therefore, Respondent's response to the February 4 Motion was due on February 19, 2008, and the response to the February 8 Motion is due on February 23.

Because there is insufficient time prior to the date of hearing for rulings on the motions and, if granted, submission of responses to the requests for discovery and review thereof by Complainant, the hearing must be postponed. The potential prejudice to the parties in not being sufficiently prepared for a hearing on March 4 outweighs any prejudice resulting from the delays associated with the continuance of the hearing in the circumstances of this case. Accordingly, Complainant's request to postpone the hearing is granted. However, the earliest date that both parties found available for a hearing is May 14, 2008.

Accordingly, the hearing in this matter is hereby **RESCHEDULED to commence promptly at 9:30 a.m. on Wednesday, May 14, 2008** in New York City, continuing on May 15-16, 2008, as necessary. The Regional Hearing Clerk will make appropriate arrangements for a courtroom. The parties will be notified of the exact location and of other procedures pertinent to

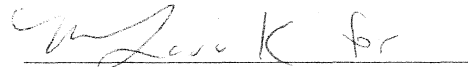
the hearing when those arrangements are complete.

Individuals requiring special accommodations at the hearing, including wheelchair access, should contact the Regional Hearing Clerk, as soon as possible so that appropriate arrangements can be made.

THE RESPONDENT IS HEREBY ADVISED THAT FAILURE TO APPEAR AT THE HEARING, WITHOUT GOOD CAUSE BEING SHOWN THEREFOR, MAY RESULT IN A DEFAULT JUDGMENT BEING ENTERED AGAINST IT.

IF EITHER PARTY DOES NOT INTEND TO ATTEND THE HEARING OR HAS GOOD CAUSE FOR NOT BEING ABLE TO ATTEND THE HEARING AS SCHEDULED, IT SHALL NOTIFY THE UNDERSIGNED AT THE EARLIEST POSSIBLE MOMENT.

The parties may, if they wish, file prehearing briefs. The deadline for filing such briefs is rescheduled to Friday, **May 2, 2008**.



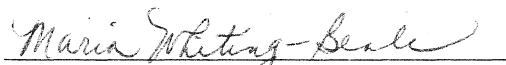
Susan L. Biro
Chief Administrative Law Judge

Dated: February 21, 2008
Washington, D.C.

In the Matter of ISOCHEM North America LLC, Respondent
Docket No. TSCA-02-2006-9143

CORRECTED CERTIFICATE OF SERVICE

I certify that the foregoing **Order Rescheduling Date Of Hearing**, dated February 21, 2008 was sent this day in the following manner to the addressees listed below.



Maria Whiting-Beale
Legal Staff Assistant

Dated: February 22, 2008

Original One Copy by Pouch Mail to:

Karen Maples
Regional Hearing Clerk
U.S. EPA
290 Broadway, 16th Floor
New York, NY 10007-1866

Copy by Pouch Mail and Facsimile to:

Carl Howard, Esquire
Lee Spielmann, Esquire
Assistant Regional Counsel
U.S. EPA
290 Broadway, 16th Floor
New York, NY 10007-1866

Copy by Regular Mail and Facsimile to:

Jon Schuyler Brooks, Esquire
Phillips Nizer LLP
666 Fifth Avenue, 27th Floor
New York, NY 10103-0084