

UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY

BEFORE THE ADMINISTRATOR

In the matter of )  
)  
Tri-County Builders Supply, ) Docket No. CWA-9-2000-0008  
)  
Respondent )

ORDER

Tri-County Builders Supply ("Tri-County") has moved for certain discovery in this matter pursuant to 40 C.F.R. 22.19(e). The United States Environmental Protection Agency ("EPA") filed an opposition to respondent's discovery request. During a conference call with the parties on August 8, 2001, Tri-County was granted permission to conduct discovery as set forth below.

A. Oral Deposition of Fact Witnesses

1. Lauren Fondahl may be deposed for not more than 3 hours.
2. Terry Gilday may be deposed for not more than 2 hours.
3. Thomas Huettelman may be deposed for not more than 2 hours.
4. Gerald Klug may be deposed for not more than 1 hour.

The depositions of the fact witnesses shall be conducted no later than August 29, 2001.

B. Oral Deposition of Expert Witnesses

1. Marsha Campbell-Mathews may be deposed for not more than 2 hours.
2. Blake McCullough-Sanden may be deposed for not more than 2 hours.
3. Albert L. Page may be deposed for not more than 2 hours.

The depositions of the expert witnesses shall be conducted no later than September 11, 2001. Also, Tri-County is responsible to pay each expert deposed a reasonable fee for their time. See Rule 26(b)(4)(C), Fed.R.Civ.P.

C. Production of Documents

EPA is to provide Tri-County with all correspondence sent to Marsha Campbell-Mathews, Blake McCullough-Sanden, and Albert L. Page which relate to these individuals appearing as expert witnesses in this matter.



---

Carl C. Charneski  
Administrative Law Judge

Issued: August 9, 2001  
Washington, D.C.

IN THE MATTER OF TRI-COUNTY BUILDERS SUPPLY, Respondent  
Docket No. CWA-9-2000-0008

Certificate of Service

I certify that the foregoing Order, dated August 9, 2001, was sent this day in the following manner to the below addressees.

**Original and Copy by  
EPA Pouch Mail to:**

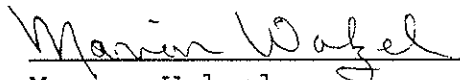
Ms. Danielle E. Carr  
Regional Hearing Clerk  
U.S. EPA, Region IX  
75 Hawthorne Street  
San Francisco, CA 94105-3901

**Copy by Facsimile and EPA Pouch Mail to:**

Attorney for Complainant:  
Marcela von Vacano, Esquire  
Office of Regional Counsel  
U.S. EPA, Region IX (ORC-2)  
75 Hawthorne Street  
San Francisco, CA 94105-3901

**Copy by Facsimile and Regular Mail to:**

Attorney for Respondent:  
Robert L. McCord, Jr., Esquire  
TAYLOR McCORD  
721 East Main Street  
P.O. Box 1477  
Ventura, CA 93002

  
Marion Walzel  
Legal Staff Assistant

Dated: August 9, 2001