

**UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY**

**BEFORE THE ADMINISTRATOR**

**IN THE MATTER OF:** )  
 )  
**GOODMAN OIL COMPANY,** ) **Docket No. RCRA-10-2000-0113**  
 )  
**Respondent** )

**ORDER GRANTING COMPLAINANT'S MOTION FOR SUBPOENA**

By Motion dated July 20, 2001, Complainant moved for issuance of a subpoena to compel the attendance of Richard Jarvis at the hearing in this matter. Mr. Jarvis is listed as a witness in Complainant's Prehearing Exchange, and Complainant asserts that Mr. Jarvis is needed as a fact witness to prove certain elements of its case. Mr. Jarvis is the coordinator of the UST programs at the Idaho Department of Environmental Quality. He is responsible for maintaining files of Notifications for USTs that UST owners are required to submit to the state under Section 9002 of RCRA, and is responsible for maintaining records of reports of suspected releases. Complainant asserts that Mr. Jarvis' testimony is necessary to prove that Respondent failed to provide notification of suspected releases at two facilities, as alleged in the Complaint, and to describe the meaning of notations contained in the notifications. Complainant asserts that Mr. Jarvis' employer requires that he be issued a subpoena to testify in any legal proceedings that would take him away from his normal duties.

The Motion indicates that the Respondent does not oppose the request for a subpoena. Section 9006(b) of RCRA authorizes issuance of subpoenas for the attendance and testimony of witnesses, and production of relevant papers, books and documents, for any proceeding under Section 9006 of RCRA. The Presiding Judge may issue such subpoenas, pursuant to 40 C.F.R. §§ 22.4(c)(9) and 22.19(e)(4). Accordingly, the Complainant's Motion for Subpoena is hereby **GRANTED.**

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Susan L. Biro  
Chief Administrative Law Judge

Date: July 30, 2001  
Washington, D.C.