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UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY

BEFORE THE ADMINISTRATOR

IN THE MATTER OF)
)
CERTIFIED OIL COMPANY) [UST] Docket No. RUST-006-1991
)
Respondent)

ORDER REQUIRING REVISED LISTS OF WITNESSES AND EXHIBITS

There are currently pending four separate motions by the Complainant seeking to amend the Prehearing Exchange to add or substitute witnesses, to alter certain testimony, and to present additional documentary evidence. These recently filed motions have complicated the Prehearing Exchange, which is intended not only as a discovery device, but also as a blueprint for the presentation of the parties' cases at the evidentiary hearing. To eliminate any confusion, Complainant is directed to file and serve, both by mail and facsimile process, a list of the witnesses the Complainant intends to present at the evidentiary hearing, in the order in which they are to be presented. Complainant is also directed to file a revised list of exhibits specifically identifying each exhibit and showing the exhibits in proper numerical sequence. In addition, this list of exhibits shall show the date of each exhibit and the number of pages in the exhibit.

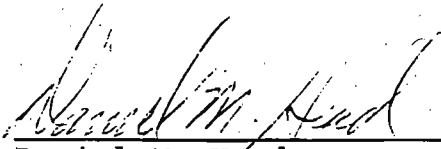
Moreover, the exhibits Complainant seeks to add to the Prehearing Exchange did not have the exhibit numbers on the face of the exhibits. Therefore, Complainant is directed to have the

exhibits appropriately marked with the exhibit numbers when it presents the exhibits at the evidentiary hearing. Further, the Presiding Judge does not intend to transport to the hearing Complainant's exhibits 1-A through 1-T, which are voluminous site assessment and/or closure reports, so the Complainant is directed to have a copy of these exhibits available at the start of the hearing for use by the Presiding Judge.

In addition, the exhibits sought to be added by Complainant appear to be duplicates, in whole or in part, of the exhibits listed by the Respondent in its Prehearing Exchange. To avoid such duplication, the parties are directed to confer in advance of the hearing to eliminate this problem. For clarity, Respondent is also directed to file an updated list of witnesses it intends to present, in their order of presentation, and an updated list of exhibits, including therein the date of each exhibit and the number of pages in the exhibit.

The lists of witnesses and exhibits required by this order shall be served by mail and facsimile process on the opposing party and the Presiding Judge by close of business on November 9, 1994. To insure that the parties get prompt notification of the requirements of this order, it is being served both by mail and facsimile process.

SO ORDERED.



Daniel M. Head
Administrative Law Judge

Dated:

November 5, 1994
Washington, DC

IN THE MATTER OF CERTIFIED OIL COMPANY, Respondent
[UST] Docket No. RUST-006-1991

CERTIFICATE OF SERVICE


I certify that the foregoing Order Requiring Revised Lists of Witnesses and Exhibits, dated Nov. 2, 1994, was sent in the following manner to the addressees listed below:

Original by Regular Mail to: A. Marie Hook
Regional Hearing Clerk
U.S. Environmental Protection
Agency, Region V
77 W. Jackson Blvd.
Chicago, IL 60604

Copy by Facsimile and
Certified Mail, Return
Receipt Requested to:

Counsel for Complainant: Thomas C. Nash, Esquire
Office of Regional Counsel
U.S. Environmental Protection
Agency, Region V
77 W. Jackson Blvd.
Chicago, IL 60604

Counsel for Respondent: David L. McClure, Esquire
303 South Front Street
Columbus, OH 43215


Aurora Jennings
Legal Staff Assistant
Office of Administrative
Law Judges
U.S. EPA, HQ
401 M Street, SW
Wash. DC 20460

Dated: November 2, 1994
Washington, D.C.