

United States Environmental Protection Agency  
Office of the Administrator

IN THE MATTER OF: )  
)  
INDSPEC CHEMICAL CORPORATION ) Docket No. CAA-III-086  
AND ASSOCIATED THERMALSERVICES, INC. )  
)  
Respondents )

ORDER DENYING MOTION FOR ISSUANCE OF SUBPOENA

Associated Thermal Services' ("ATS") request for the issuance of a subpoena for the appearance of Frederick P. Walter, Jr., an air quality specialist employed by the State of Pennsylvania, is DENIED.

Mr. Walter has sworn, by affidavit, that he has no personal knowledge of the events surrounding this litigation. While Mr. Walter may be an expert, his expertise is not unique. ATS remains free to present Mr. Walter's testimony, through his voluntary appearance, if this can be arranged. ATS may also present another voluntary expert witness to challenge the propriety of the protocol used by Environmental Protection Agency ("EPA" or "Complainant") employee Mr. Foster during the inspection at issue. Should ATS adopt this course, they should notify EPA counsel immediately upon identifying such substitute expert witness and provide Complainant with the individual's resume and a narrative summary of the expected testimony. Finally, I note that ATS remains free to vigorously cross-examine Mr. Foster.

William B. Moran  
Administrative Law Judge

Dated: February 20, 1998