



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

BEFORE THE ADMINISTRATOR

2015 JAN -8 PM 3:31

In the Matter of:)
Edward and Theresa Washines,) Docket No. RCRA-10-2014-0100
Da Stor at Lillie's Corner,)
Respondents.)

NOTICE OF HEARING AND SCHEDULING ORDER

A Prehearing Order was issued in this matter on August 26, 2014, and the deadlines therein were extended by Order dated September 9, 2014. Complainant filed its Initial Prehearing Exchange on October 23, 2014, and Respondent filed its Prehearing Exchange on November 14, 2014. Complainant subsequently filed an Unopposed Motion for Leave to Amend the Complaint, which was granted by Order dated December 19, 2014. No additional motions are pending. Therefore, this matter is ready to be scheduled for hearing.

In its Initial Prehearing Exchange, Complainant estimates that it will require approximately one day to present its direct case at hearing. Complainant's Initial Prehearing Exchange at 7. As for the location of the hearing, Complainant proposes Yakima, Washington, or, "[i]n the event that the hearing is scheduled during the winter months," Seattle, Washington, because "the mountain passes between Seattle and Yakima close during heavy snowfall" and "holding a winter hearing in Seattle would help avoid unnecessary impacts to the other cases in the presiding officer's schedule." Id. In their Prehearing Exchange, Respondents estimate that they will require less than a day to present their affirmative defenses. Respondents' Prehearing Exchange at 2. They concur with the proposal of Yakima as the location of the hearing but object to the recommendation that the hearing be held in Seattle if scheduled during the winter months because "Mr. Washines is still being treated for health issues resulting from back surgery last winter," "traveling during winter weather would not be convenient for him," and "[i]f the Cascade Mountain passes close during snow events[,] he would not be able to afford air travel to Seattle." Id.

Complainant shall file Status Reports as to the status of any settlement negotiations between the parties, which shall not include any specific terms of settlement, on or before January 23, 2015, and February 20, 2015.

All non-dispositive prehearing motions, such as motions for subpoenas, motions to supplement a prehearing exchange, and motions in limine, shall be filed on or before February 20, 2015.

On or before **March 6, 2015**, the parties shall file a Joint Set of Stipulated Facts, Exhibits, and Testimony. The time allotted for the hearing is limited. Therefore, the parties must make a good faith effort to stipulate as much as possible to matters that cannot reasonably be contested so that the hearing can be concise and focused solely on those matters that can only be resolved after a hearing.

The parties may, if they wish, file prehearing briefs on or before **March 13, 2015**. If filed, Complainant's brief should specifically state each count of the Complaint and each claim therein that will be tried at the hearing and indicate which counts and claims will not. If filed, Respondents' brief should identify each of the defenses Respondents intend to pursue at the hearing.

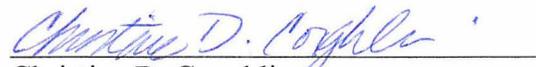
The hearing in this matter shall begin promptly at 9:00 a.m. on **Tuesday, April 7, 2015**, and shall continue if necessary through April 8, 2015, at the following location:

**U.S. Bankruptcy Court
Eastern District of Washington
402 East Yakima Avenue, Suite 200
Yakima, WA 98901**

Individuals requiring special accommodations at the hearing, including wheelchair access and translation services, shall contact the Headquarters Hearing Clerk, Sybil Anderson, at (202) 564-6261, no later than **March 6, 2015**, so that appropriate arrangements can be made. A staff attorney for the undersigned, Jennifer Almase, can be contacted should you have any procedural questions or questions about what to expect at the hearing, at (202) 564-1170 or almase.jennifer@epa.gov.

RESPONDENTS ARE ADVISED THAT FAILURE TO APPEAR AT THE HEARING, WITHOUT GOOD CAUSE HAVING BEEN SHOWN, MAY RESULT IN THE ENTRANCE OF DEFAULT JUDGMENT 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.


Christine D. Coughlin
Administrative Law Judge

Date: January 8, 2015
Washington, D.C.

In the Matter of *Edward and Theresa Washines, Da Stor at Lillie's Corner*, Respondent.
Docket No. RCRA-10-2014-0100

CERTIFICATE OF SERVICE

I hereby certify that true copies of this **Notice of Hearing and Scheduling Order**, issued by Christine D. Coughlin, Administrative Law Judge, were sent to the following parties on this 8th day of January 2015, in the manner indicated:



Mary Angeles
Legal Assistant

Original and One Copy by Hand Delivery to:

Sybil Anderson
Headquarters Hearing Clerk
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Copy by Electronic and Regular Mail to:

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Dated: January 8, 2015
Washington, DC