



**UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY  
BEFORE THE ADMINISTRATOR**

**In the Matter of:** )  
 )  
**England’s Stove Works, Inc.,** ) **Docket No. CAA-HQ-2022-8422**  
 )  
**Respondent.** )

**HEARING ORDER**

This matter was initiated when Anthony J. Miller, Acting Director of the Monitoring, Assistance, and Media Programs Division, Office of Enforcement and Compliance Assurance, U.S. Environmental Protection Agency (“Complainant” or “the Agency”), issued to England’s Stove Works, Inc. (“Respondent” or “ESW”), a Notice of Proposed Determination to Revoke Certificate of Compliance Number 193-19 for the 15-SSW01, 50-SHSSW01, 50-TRSSW01, 15-W03, 50-SHW03, and 50-TRW03 Wood Heater Models and ESW proceeded to object and request a hearing on the proposed determination. Pursuant to a Prehearing Order that I issued on December 2, 2021, the parties then engaged in a prehearing exchange of information.

This matter is now ready to be scheduled for hearing. The hearing and appeal procedures set forth at 40 C.F.R. § 60.539 (“Rules”) govern. The Rules provide that once an affected manufacturer has requested a hearing, the hearing will be held “as soon as practicable at a time and place fixed by the Presiding Officer,” 40 C.F.R. § 60.539(c)(2), and that it “will be conducted by the Presiding Officer in an informal but orderly and expeditious manner,” 40 C.F.R. § 60.539(g)(1). Pursuant to this authority, I hereby schedule the following prehearing filing deadlines and hearing.

**Status Reports.** According to the Prehearing Exchange filed by ESW on January 21, 2022, it has agreed to perform additional testing of the products at issue, the results of which could moot the need for this proceeding. Respondent’s Prehearing Exchange at 4. To keep this Tribunal apprised of any such developments, as well as the status of any settlement negotiations between the parties, the Agency is directed to file a Status Report on or before **March 4, 2022; March 18, 2022; and April 1, 2022.** The Status Reports shall not contain any specific terms of settlement.

**Motions.** As set forth in the Prehearing Order, dispositive motions, such as a motion for accelerated decision or motion to dismiss, shall be filed within 30 days after the due date for Complainant’s Rebuttal Prehearing Exchange. Non-dispositive motions, such as motions in limine, shall be filed no later than 30 days prior to the scheduled hearing. Similarly, a party seeking to supplement its prehearing exchange may do so only by motion within 30 days of the

scheduled hearing. Belated supplements to a party's prehearing exchange may be excluded from evidence at the undersigned's discretion.

Prior to filing any motion, the moving party must contact all other parties to determine whether the other parties have any objection to the granting of the relief sought in the motion, and the motion shall state the position of the other parties. The mere consent of the other parties to the relief sought does not assure that the motion will be granted. A party's response to any written motion must be filed within **ten days** after service of such motion. The movant's reply to any written response must be filed within **seven days** after service of such response and shall be limited to issues raised in the response. Furthermore, all motions must be submitted in sufficient time to permit the filing of a response and a reply, as well as the issuance of a ruling on the motion, before any relevant deadline set by this or any subsequent order. *Motions not filed in a timely manner may not be considered.*

**Joint Stipulations.** The time allotted for the hearing is limited. Therefore, the parties shall make a good faith effort to stipulate as much as possible to matters that cannot reasonably be contested. This practice ensures that the hearing is concise and focused solely on those matters that can only be resolved after an evidentiary hearing. Any stipulations reached by the parties shall be filed as a Joint Set of Stipulated Facts, Exhibits, and/or Testimony on or before **April 1, 2022.**

**Prehearing Briefs.** The parties may, if they wish, file prehearing briefs on or before **April 8, 2022.**

**Hearing by Videoconference.** The hearing in this matter will be held by videoconference, beginning promptly at **9 a.m. Eastern Time on Monday, April 18, 2022,** and continuing as necessary through **Friday, April 22, 2022.** Details for accessing the videoconference will be communicated at a later date.

*Individuals requiring special accommodations for the hearing, such as the services of an interpreter, must contact Mary Angeles, Headquarters Hearing Clerk, at angeles.mary@epa.gov or (202) 564-6281, as soon as possible to ensure that appropriate arrangements can be made. Any procedural questions or questions about what to expect at the hearing should be directed to Jennifer Almase, Attorney Advisor, at almase.jennifer@epa.gov or (202) 564-1170.*

If any 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 as soon as possible.

**SO ORDERED.**



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Susan L. Biro  
Chief Administrative Law Judge

Dated: February 16, 2022  
Washington, D.C.

In the Matter of *England's Stove Works, Inc.*, Respondent.  
Docket No. CAA-HQ-2022-8422

**CERTIFICATE OF SERVICE**

I hereby certify that the foregoing **Hearing Order**, dated February 16, 2022, and issued by Chief Administrative Law Judge Susan L. Biro, was sent this day to the following parties in the manner indicated below.



\_\_\_\_\_  
Jennifer Almase  
Attorney Advisor

Original by Electronic Delivery to:  
Mary Angeles, Headquarters Hearing Clerk  
U.S. Environmental Protection Agency  
Office of Administrative Law Judges  
Ronald Reagan Building, Room M1200  
1300 Pennsylvania Ave., NW  
Washington, DC 20004

Copies by Electronic Mail to:  
Caitlin Meisenbach  
Attorney Advisor  
Monitoring, Assistance, and Media Programs Division  
Office of Compliance  
Office of Enforcement and Compliance Assurance  
U.S. Environmental Protection Agency  
Email: meisenbach.caitlin@epa.gov  
*For the Agency*

Chris Terrell  
Chief Operating Officer  
England's Stove Works, Inc.  
Email: cterrell@englanderstoves.com

Allison Watkins Mallick  
Tiffany W. Cheung  
Baker Botts LLP  
Email: allison.mallick@bakerbotts.com  
Email: tiffany.cheung@bakerbotts.com  
*For ESW*

Dated: February 16, 2022  
Washington, D.C.