



UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
BEFORE THE ADMINISTRATOR

U.S. ENVIRONMENTAL
PROTECTION AGENCY REG. II

2012 JUN -1 P 4 33

REGIONAL HEARING
CLERK

In the Matter of:)
)
Oil Energy System, Inc.) Docket No. RCRA-02-2011-7107
)
Respondents.) Date: May 30, 2012

**ORDER ON SHOWING OF GOOD CAUSE AND
ORDER SCHEDULING HEARING**

By Prehearing Order dated February 29, 2012, Oil Energy System, Inc. (“Respondent”) was required to file a prehearing exchange of information on or before April 27, 2012. Respondent did not file a prehearing exchange, and an Order to Show Cause was issued on May 9, 2012, directing Respondent to explain by May 25, 2012, why it had good cause for failing to submit a prehearing exchange and why a default should not be entered against it.

The undersigned received Respondent’s response to the Order to Show Cause on May 25, 2012, and received Respondent’s Prehearing Exchange on May 29, 2012. After considering the response, the timeliness of the response, the subsequent filing of the Prehearing Exchange, and the apparent lack of prejudice to Complainant, the undersigned finds that there is good cause to excuse the late filing of Respondent’s Prehearing Exchange. An entry of default against Respondent is not warranted at this time.

The deadlines set forth in the Prehearing Order of February 29, 2012 must be rescheduled. Furthermore, this matter may be scheduled for hearing because both parties have submitted a prehearing exchange of information and there are no outstanding motions.

If Complainant intends to file a Rebuttal Prehearing Exchange, it must do so no later than **June 15, 2012**.

The parties are reminded that if any party intends to file any dispositive motion regarding liability, such as a motion for accelerated decision or motion to dismiss under Rule 22.20(a), such motion must be filed within thirty days after the due date for Complainant’s Rebuttal Prehearing Exchange, i.e. on or before **July 16, 2012**. The filing of a dispositive motion does not stay the deadlines established by this Order and will not constitute good cause for failure to comply with this Order’s requirements.

Agency policy strongly supports settlement. The parties are directed to hold a settlement conference and attempt to reach an amicable resolution of this matter. Complainant shall file a status report regarding such conference and the status of settlement on or before **August 3, 2012**.

In the event the parties have failed to reach a settlement by that date, they shall strictly comply with the requirements of this Order and prepare for a hearing. All non-dispositive prehearing motions, such as motions for subpoenas or motions in limine, must be filed on or before **August 17, 2012**. This deadline does not apply to motions to supplement the prehearing exchange.

On or before **August 31, 2012**, 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 which cannot reasonably be contested so that the hearing can be concise and focused solely on those matters which can only be resolved after a hearing.

The parties are reminded that any document or exhibit not included in the prehearing exchanges shall not be admitted into evidence, and any witness whose name and testimony summary are not included in the prehearing exchange shall not be allowed to testify at hearing. **All documents which are to be offered into evidence must be entirely in the English language or must be accompanied by a certified translation into English.** If a party wishes to add a proposed witness, document, or exhibit to its prehearing exchange, *or to submit an English translation of any document in the prehearing exchange*, it must file a timely motion to supplement the prehearing exchange no later than **September 4, 2012**. Motions filed after this date will not be considered absent extraordinary circumstances.

The parties may, if they wish, file prehearing briefs. The deadline for filing such briefs is **September 7, 2012**. A copy of the brief must be emailed (oaljfilng@epa.gov), faxed and/or hand-delivered to the undersigned by that date. The brief may serve in lieu of an opening statement at the hearing. Complainant's brief at a minimum should specifically state each count of the Complaint, and each claim therein, which is to be tried at the hearing and indicate which counts/claims are not. Respondent's brief should at a minimum identify and explain each defense Respondent intends to pursue at the hearing.

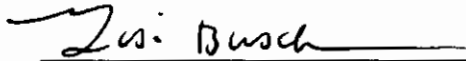
The hearing in this matter will be held in Guaynabo, Puerto Rico,¹ beginning promptly at 9:30 a.m. on Tuesday, September 18, 2012, and continuing if necessary, on September 19-21, 2012. The Hearing Clerk will make appropriate arrangements for a courtroom. The parties will be notified of the exact location and of other procedures pertinent to the hearing when those arrangements are complete.

¹ The hearing will be held in Guaynabo provided the Regional Hearing Clerk is able to reserve a courtroom and a court reporter for the designated time. Otherwise, the hearing may be held in San Juan, Puerto Rico.

Respondent has indicated that it will require translation services at the hearing. Individuals requiring other special accommodations at the hearing, including wheelchair access, should contact the Hearing Clerk, as soon as possible so that appropriate arrangements can be made.

RESPONDENT IS HEREBY ADVISED THAT FAILURE TO APPEAR AT THE HEARING, WITHOUT GOOD CAUSE BEING SHOWN THEREFOR, MAY RESULT IN A DEFAULT JUDGMENT BEING ENTERED AGAINST IT. COMPLAINANT IS HEREBY ADVISED THAT FAILURE TO APPEAR AT THE HEARING MAY RESULT IN DISMISSAL OF THIS MATTER.

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, through her staff attorney Ed Kulschinsky at (202) 564-4133 or kulschinsky.edward@epa.gov, or through her legal staff assistant Knolyn Jones at (202) 564-6262 or jones.knolyn@epa.gov.



M. Lisa Buschmann
Administrative Law Judge

In the ADR Matter of *Oil Energy Systems, Inc.*, Respondent.
Docket No. RCRA-02-2011-7107

CERTIFICATE OF SERVICE

I hereby certify that the foregoing **Order on Showing of Good Cause and Order Scheduling Hearing**, dated May 30, 2012 was sent this day in the following manner to the addressees listed below.


Knolyn Jones
Legal Staff Assistant

Original and One Copy by Pouch Mail to:

Karen Maples
Regional Hearing Clerk
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290 Broadway, 16th Floor
New York, NY 10007-1866

One Copy by Pouch Mail to:

Lourdes del Carmen-Rodriguez, Esq.
Office of Regional Counsel
U.S. EPA, Region II,
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One Copy by Regular Mail to:

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