



UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY  
BEFORE THE ADMINISTRATOR

In the Matter of: )  
 )  
New Prime, Inc., ) Docket No. RCRA-08-2020-0007  
 )  
Respondent. )

**NOTICE OF HEARING ORDER**

On November 2, 2020, a Prehearing Order was issued, establishing deadlines for the parties to engage in a prehearing exchange of information and file dispositive motions. Following the prehearing exchange, Complainant filed a motion for accelerated decision; this motion was granted as to Respondent's liability on April 4, 2022. *See* Order on Complainant's Motion for Accelerated Decision. This matter is now ready to be scheduled for a hearing on penalty.

Pursuant to my authority to schedule and regulate the course of the hearing, as provided in 40 C.F.R. Part 22, prehearing filing deadlines and the hearing are scheduled as follows:

**Settlement Status Reports.** Complainant is directed to file Status Reports as to the status of any settlement negotiations between the parties, *which shall not include any specific terms of settlement*. The first Status Report shall be filed on or before **July 15, 2022**, and the second Status Report shall be filed on or before **September 23, 2022**.

**Motions.** Non-dispositive motions, such as motions for additional discovery, motions for subpoenas, and motions in limine, shall be filed no later than **August 19, 2022**. Similarly, a party seeking to supplement its prehearing exchange may do so only by motion after **August 24, 2022**. Belated supplements to a party's prehearing exchange may be excluded from evidence at the undersigned's discretion.

**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 agreed to by the parties shall be filed as a Joint Set of Stipulated Facts, Exhibits, and/or Testimony on or before **September 30, 2022**.

**Prehearing Briefs.** The parties may, if they wish, file prehearing briefs on or before **October 7, 2022**. If filed, Complainant's brief should specifically state each issue that is to be tried at the hearing. If filed, Respondent's brief should identify each of the defenses and issues for mitigating the penalty that it intends to address at the hearing.

**Prehearing Conference.** A prehearing conference will be scheduled in advance of the hearing and conducted by a staff attorney.

**Hearing.** The hearing in this matter will begin at **8:30 a.m. Central Time, October 24, 2022**, and continue as necessary through **October 28, 2022**. The hearing will take place at:

**United States Courthouse  
Western District of Missouri (Southern Division)  
Bankruptcy Courtroom – Second Floor  
222 N. John Q. Hammons Parkway  
Springfield, Missouri 65806**

Additional information about the hearing will be provided at a later date. The parties are on notice that if conditions related to the spread of the coronavirus within the local community require it, the hearing shall be held virtually using videoconferencing technology.

*Individuals requiring special accommodations for the hearing*, including the services of an interpreter, must contact Mary Angeles, Headquarters Hearing Clerk, at (202) 564-6281, no later than 30 days prior to the scheduled hearing, so that appropriate arrangements can be made.


If you have any procedural questions or questions about what to expect at the hearing, you may contact Alyssa Katzenelson, Attorney-Advisor, at (202) 564-7052 or [katzenelson.alyssa@epa.gov](mailto:katzenelson.alyssa@epa.gov).

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.

*COMPLAINANT IS ADVISED THAT FAILURE TO APPEAR AT THE HEARING, WITHOUT GOOD CAUSE HAVING BEEN SHOWN, MAY RESULT IN DISMISSAL OF THE CASE WITH PREJUDICE.*

*RESPONDENT IS ADVISED THAT FAILURE TO APPEAR AT THE HEARING, WITHOUT GOOD CAUSE HAVING BEEN SHOWN, MAY RESULT IN THE ENTRY OF A DEFAULT JUDGMENT AGAINST IT.*

**SO ORDERED.**

  
\_\_\_\_\_  
Christine Donelian Coughlin  
Administrative Law Judge

Dated: May 9, 2022  
Washington, D.C.

In the Matter of *New Prime, Inc.*, Respondent.  
Docket No. RCRA-08-2020-0007

**CERTIFICATE OF SERVICE**

I hereby certify that the foregoing **Notice of Hearing Order**, dated May 9, 2022, and issued by Administrative Law Judge Christine Donelian Coughlin, was sent this day to the following parties in the manner indicated below.

  
Alyssa Katzenelson  
Attorney-Advisor

Copy by OALJ E-Filing System 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

Copy by Electronic Mail to:  
Laurianne Jackson  
Charles Figur  
U.S. Environmental Protection Agency, Region 8  
1595 Wynkoop St. (R8-ORC-R)  
Denver, CO 80202-1129  
Email: Jackson.Laurianne@epa.gov  
Email: Figur.Charles@epa.gov  
*For Complainant*

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*For Respondent*

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*For Respondent*

Dated: May 9, 2022  
Washington, D.C.