



UNITED STATES ENVIRONMENTAL
PROTECTION AGENCY
BEFORE THE ADMINISTRATOR

In the Matter of:)
)
Whitehall Township,)
) Docket No. CAA-03-2014-0092
)
Respondent.) Dated: August 18, 2015

ORDER SCHEDULING HEARING

The prehearing exchange process in this matter has been completed and there are no pending motions. Therefore, this matter may be scheduled for hearing.

Agency policy strongly supports settlement. Complainant shall file a report on or before **September 18, 2015**, and again on or before **October 30, 2015**, as to the status of any settlement discussions. In the event the parties fail to reach a settlement, they shall strictly comply with the following requirements of this Order and prepare for a hearing.

In the event the parties fail to reach a settlement, they shall strictly comply with the following requirements of this Order and prepare for a hearing.

1. All non-dispositive prehearing motions, such as motions for subpoenas or motions in limine, must be filed on or before **October 9, 2015**. This deadline does not apply to motions to supplement the prehearing exchange.
2. On or before **October 23, 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 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. Stipulated exhibits are lists of: (1) proposed exhibits in the Prehearing Exchange which the parties agree are admissible in evidence, and (2) proposed exhibits to which the opposing party does not object with respect to authenticity. Stipulated testimony is direct testimony or part of direct testimony, in written form, of a witness who will appear at the hearing and be available for cross examination, which testimony the parties agree is admissible in evidence.
3. 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. 40 C.F.R. § 22.19(a). If a party wishes to add a proposed witness, document, or exhibit to its prehearing exchange, it must file a motion to supplement the prehearing exchange no later than **November 2, 2015**, explaining why it was not submitted earlier. 40 C.F.R. § 22.22(a).

4. Each party may, if it wishes, file a prehearing brief, which may substitute for an opening statement at the hearing. The deadline for filing such briefs is **November 6, 2015**. At a minimum, Complainant's brief should specifically state the issues to be presented in its direct case at the hearing. Respondent's brief should identify each of the defenses Respondent intends to pursue at the hearing.

The hearing in this matter will be held beginning promptly at 9:30 a.m. on Tuesday, November 17, 2015, and continue if necessary through Thursday, November 19, 2015. The location of the hearing will be as follows:

Northampton County Court
669 Washington Street
Easton, PA 18042

Individuals requiring special accommodations at the hearing, including wheelchair access, should contact the Headquarters 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.

SO ORDERED.



M. Lisa Buschmann
Administrative Law Judge

In the Matter of Whitehall Township, Respondent
Docket No.CAA-03-2014-0092

CERTIFICATE OF SERVICE

I certify that the foregoing **Order Scheduling Hearing**, dated August 18, 2015, was sent this day in the following manner to the addressees listed below.



Maria Whiting-Beale
Staff Assistant

Original and One Copy To:

Sybil Anderson
Headquarters Hearing Clerk
U.S. EPA
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Copy By Electronic and Regular Mail To:

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Dated: August 19, 2015
Washington, DC