



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

**In the Matter of:** )  
 )  
**VSS International, Inc.,** ) **Docket No. OPA-09-2018-0002**  
 )  
**Respondent.** )

**ORDER ON RESPONDENT’S MOTION  
TO SUPPLEMENT AND JOINT STIPULATION TO SUPPLEMENT**

On April 20, 2018, I issued a Prehearing Order in this proceeding in which I directed the parties to file and serve prehearing exchanges, and otherwise established prehearing filing deadlines. The Prehearing Order provided that supplementation of a prehearing exchange requires an accompanying motion to supplement only when such supplementation is sought within 60 days of the scheduled hearing. Additionally, the Prehearing Order set the filing deadline for non-dispositive motions, including motions to supplement a prehearing exchange, as no later than 60 days prior to the scheduled hearing. Following completion of the scheduled prehearing exchange process, by order dated February 26, 2019, I set the hearing in this matter to commence on May 16, 2019, in San Francisco, California.

On April 25, 2019, Respondent filed a Motion to Supplement and Correct the Prehearing Exchange (“Motion to Supplement”), along with Respondent’s proposed exhibits (“RX”) 98-113, and a declaration from Respondent’s counsel, Richard McNeil. Respondent’s Motion to Supplement seeks leave to include RX 98-113 in its Prehearing Exchange within 60 days of the scheduled hearing. On May 2, 2019, Complainant filed a Response to Respondent’s Motion to Supplement and Correct the Prehearing Exchange (“Response to Motion to Supplement”), in which Complainant objected to Respondent’s Motion to Supplement.

Following Complainant filing its Response to Motion to Supplement, the parties filed a Joint Stipulation to Supplement Respondent’s Prehearing Exchange (“Joint Stipulation to Supplement”), along with RX 98-101. In the Joint Stipulation to Supplement, the parties agreed to supplement Respondent’s Prehearing Exchange with RX 98-101, and further agreed that the parties can use any documents filed in this matter for purposes of impeachment at the hearing. Additionally, in the Joint Stipulations, Respondent stated an intent to withdraw its Motion to Supplement.

Given Respondent’s stated intent to withdraw its Motion to Supplement, and the substantive resolution of this motion by the Joint Stipulation to Supplement, Respondent’s Motion to Supplement is deemed withdrawn. Consistent with the Joint Stipulation to

Supplement, Respondent's Prehearing Exchange is hereby supplemented with RX 98-101, as agreed by the parties.

**SO ORDERED.**

A handwritten signature in black ink, appearing to read 'S. Biro', written over a horizontal line.

Susan L. Biro  
Chief Administrative Law Judge

Dated: May 3, 2019  
Washington, D.C.

In the Matter of *VSS International, Inc.*, Respondent.  
Docket No. OPA-09-2018-0002

**CERTIFICATE OF SERVICE**

I hereby certify that the foregoing **Order on Respondent's Motion to Supplement and Joint Stipulation to Supplement**, dated May 3, 2019, and issued by Chief Administrative Law Judge Susan L. Biro, was sent this day to the following parties in the manner indicated below.



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Andrea Priest  
Attorney Advisor

Original and One Copy by Personal 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

Copy by Electronic Mail to:

Rebecca Sugerman  
J. Andrew Helmlinger  
Assistant Regional Counsel  
U.S. Environmental Protection Agency, Region IX  
Email: sugerman.rebecca@epa.gov  
Email: helmlinger.andrew@epa.gov  
*For Complainant*

Richard J. McNeil  
Jordan L. Ludwig  
Crowell & Moring LLP  
Email: rmcneil@crowell.com  
Email: jludwig@crowell.com  
*For Respondent*

Dated: May 3, 2019  
Washington, D.C.