



UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY  
BEFORE THE ADMINISTRATOR

In the Matter of: )  
 )  
C & S Enterprise, L.L.C., ) Docket No. CWA-07-2018-0095  
 )  
Respondent. )

**HEARING ORDER**

On April 17, 2018, I issued a Prehearing Order that established deadlines for the parties to file prehearing exchange documents. The Agency filed its Initial Prehearing Exchange on May 31, 2018. After receiving an extension of time, Respondent filed its Initial Prehearing Exchange on July 13, 2018. On July 30, 2018, the Agency filed a document indicating it had no further evidence to produce in rebuttal to Respondent's Initial Prehearing Exchange.

Under the rules governing this proceeding, set forth at 40 C.F.R. Part 22, I am responsible for scheduling the hearing and determining an appropriate location for the hearing. *See* 40 C.F.R. §§ 22.19(d), 22.21. I am also responsible for regulating the course of the hearing consistent with 40 C.F.R. § 22.4. Now that the prehearing exchange period is complete and there are no pending motions, prehearing filing deadlines and the hearing in this matter are scheduled as follows:

**Settlement Status Reports.** Complainant is directed to file 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 **August 24, 2018**, and the second Status Report shall be filed on or before **September 14, 2018**.

**Supplements to Prehearing Exchange.** The parties may add proposed witnesses or exhibits to their prehearing exchange pursuant to 40 C.F.R. § 22.19(f) without seeking leave of the Tribunal if supplementation is made prior to **August 24, 2018**. Thereafter, no supplementation may be made without an accompanying motion to supplement the prehearing exchange, and any such motion filed within 15 days of the hearing will not be granted absent a showing of good cause for failing to previously exchange the information. *See* 40 C.F.R. § 22.22.

**Prehearing Motions.** Motions for additional discovery, motions for subpoenas, and motions in limine must be filed no later than **August 31, 2018**. *Untimely motions may not be considered.*

**Joint Stipulations.** On or before **September 7, 2018**, 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 that cannot reasonably be contested so that the hearing can be concise and focused solely on those matters that can be resolved only after an evidentiary hearing.

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

**Prehearing Briefs.** The parties may, if they wish, file prehearing briefs on or before **September 21, 2018**. If filed, Complainant's brief should specifically state each count of the Complaint and each claim therein that will be tried at the hearing and indicate which counts and claims will not. If filed, Respondents' brief should identify each of the defenses Respondents intend to pursue at the hearing.

**Hearing.** The hearing in this matter shall begin promptly at **9 a.m. on October 2, 2018**, and shall continue as necessary through **October 5, 2018**, at the following location:

**U.S. District Courthouse  
Courtroom 460  
123 East Walnut Street  
Des Moines, Iowa 50309**

*Individuals requiring special accommodations at the hearing, including wheelchair access and translation services, 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. An attorney for the Office of Administrative Law Judges, Matt Barnwell, can be contacted at (202) 564-3245 or barnwell.matt@epa.gov, should you have any procedural questions or questions about what to expect at the hearing.*

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

***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.**



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Susan L. Biro  
Chief Administrative Law Judge

Dated: August 1, 2018  
Washington, D.C.

In the Matter of *C & S Enterprise, L.L.C.*, Respondent.  
Docket No. CWA-07-2018-0095

**CERTIFICATE OF SERVICE**

I hereby certify that the foregoing **Hearing Order**, dated August 1, 2018, and issued by Chief Administrative Law Judge Susan L. Biro, was sent this day to the following parties in the manner indicated below.

  
\_\_\_\_\_  
Matt Barnwell  
Attorney Advisor

Original and One Copy by Hand 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:

Chris Muehlberger, Esq.  
Assistant Regional Counsel  
U.S. Environmental Protection Agency, Region 7  
Email: [muehlberger.christopher@epa.gov](mailto:muehlberger.christopher@epa.gov)  
*Attorney for Complainant*

Eldon L. McAfee, Esq.  
Brick Gentry, P.C.  
Email: [eldon.mcafee@brickgentrylaw.com](mailto:eldon.mcafee@brickgentrylaw.com)  
*Attorney for Respondent*

Dated: August 1, 2018  
Washington, D.C.