



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY BEFORE THE ADMINISTRATOR

In the Matter of:
Taotao USA, Inc.,
Taotao Group Co., Ltd., and
Jinyun County Xiangyuan Industry Co., Ltd.,
Respondents.
Docket No. CAA-HQ-2015-8065

HEARING NOTICE AND ORDER

A Prehearing Order was issued in this matter on May 11, 2016, wherein the parties were ordered to file and serve a prehearing exchange of information. They concluded that exchange, and on May 3, 2017, this Tribunal granted partial accelerated decision to the Agency, finding Respondents liable for the violations alleged in the Amended Complaint. The remaining issues in controversy – those related to penalty – are ready to be scheduled for hearing.

Pursuant to the procedural 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, consistent with 40 C.F.R. §§ 22.21 and 22.19(d). I am also responsible for regulating the course of the hearing consistent with 40 C.F.R. § 22.4. Accordingly, prehearing filing deadlines and the hearing in this matter 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, on or before June 2, 2017. Complainant shall file a second Status Report as to the status of any settlement negotiations on June 30, 2017.

Supplements to Prehearing Exchange. Any addition of a proposed witness or exhibit to the prehearing exchange shall be filed with an accompanying motion to supplement the prehearing exchange. A document or exhibit that has not been included in prehearing information exchange shall not be admitted into evidence, and any witness whose name and testimony summary has not been included in prehearing information exchange shall not be allowed to testify. Notwithstanding the deadline set forth in 40 C.F.R. § 22.22(a)(1), if a party fails to supplement their prehearing exchange by June 16, 2017, the document, exhibit, or testimony shall not be admitted into evidence unless the non-exchanging party had good cause for failing to exchange the required information and provided the required information to all other parties as soon as it had control of the information, or

had good cause for not doing so. Motions to supplement the prehearing exchange filed after June 16, 2017, will not be considered absent extraordinary circumstances.

**Joint Stipulations.** On or before **June 16, 2017**, 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 only be resolved after an evidentiary hearing.

**Prehearing Motions.** All non-dispositive prehearing motions, such as motions for subpoenas or motions in limine, must be filed on or before **June 23, 2017**.

**Prehearing Briefs.** The parties may, if they wish, file prehearing briefs on or before **June 30, 2017**. 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, Respondent's brief should identify each of the defenses Respondent intends to pursue 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 shall begin promptly at **8:30 a.m. on Tuesday, July 18, 2017**, and shall continue if necessary through Friday, July 21, 2017, at the following location:

**EPA Administrative Courtroom  
EPA East Building, Room 1152  
1201 Constitution Avenue, NW  
Washington, D.C. 20460**

*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. A staff attorney for the undersigned, Matt Barnwell, can be contacted should you have any procedural questions or questions about what to expect at the hearing, at (202) 564-3245 or barnwell.matt@epa.gov.*

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

*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 AT THE EARLIEST POSSIBLE MOMENT.*

**SO ORDERED.**

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

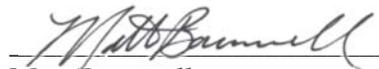
Susan L. Biro  
Chief Administrative Law Judge

Date: May 9, 2017  
Washington, D.C.

In the Matter of *Taotao USA, Inc., Taotao Group Co., Ltd., and Jinyun County Xiangyuan Industry Co., Ltd.*, Respondents. Docket No. CAA-HQ-2015-8065

**CERTIFICATE OF SERVICE**

I certify that the foregoing **Hearing Notice and Order**, dated May 9, 2017, 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 by Hand Delivery to:**

Mary Angeles  
Headquarters Hearing Clerk  
U.S. Environmental Protection Agency  
Office of Administrative Law Judges  
Room M1200  
1300 Pennsylvania Avenue, N.W.  
Washington, DC 20004

**Copies by Regular Mail and E-Mail To:**

Edward Kulschinsky, Esq.  
U.S. EPA, Office of Civil Enforcement  
Office of Enforcement and Compliance Assurance  
1200 Pennsylvania Ave., NW  
William J. Clinton Federal Building  
Room 1142C, Mail Code 2242A  
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Dated: May 9, 2017  
Washington, D.C.