



UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY

BEFORE THE ADMINISTRATOR

IN THE MATTER OF)
)
MORAN BEEF, INC.,) DOCKET NO. CWA-07-2010-0080
)
)
RESPONDENT)

ORDER RESCHEDULING HEARING

This proceeding arises under the authority of Section 309(g) of the Federal Water Pollution Control Act, commonly referred to as the Clean Water Act ("CWA"), as amended, 33 U.S.C. § 1319(g). Complainant seeks a civil administrative penalty of \$79,000 for the alleged violations. This matter was initially scheduled for hearing beginning Monday, May 16, 2011. On January 14, 2011, Respondent submitted an unopposed Motion to Reschedule Hearing ("Motion") citing a preexisting trial scheduled for the same time and requesting that the hearing in this matter be moved to April 6, 2011. In the Motion, Respondent states that Complainant consents to the Motion. The unopposed Motion is **GRANTED** and the Hearing is now set to commence at 9:30 a.m. on Wednesday, April 6, 2011,^{1/} in or around Des Moines, Iowa, continuing as necessary through April 8, 2011.

The parties retain the right to make a motion to supplement their prehearing exchanges no later than fifteen (15) days before the hearing date. Sections 22.19(a) and 22.22(a) of the Rules of Practice, 40 C.F.R. §§ 22.19(a), 22.22(a), provide that documents or exhibits that have not been exchanged and witnesses whose names have not been exchanged at least fifteen (15) days before the hearing date shall not be admitted into evidence or allowed

^{1/} Although this matter was originally scheduled for a 5-day hearing, the parties have indicated during a conference call with the undersigned's staff attorney that the parties would need only three days to complete the hearing. Should this expectation change, the parties should advise this Tribunal and request to advance the start date of the hearing to April 4th or 5th.

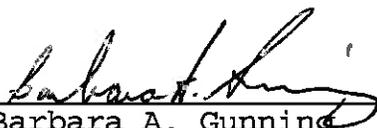
to testify unless good cause is shown for failing to exchange the required information.

Further, the parties are advised that every motion filed in this proceeding must be served in sufficient time to permit the filing of a response by the other party and to permit the issuance of an order on the motion before the deadlines set by this order or any subsequent order. Section 22.16(b) of the Rules of Practice, 40 C.F.R. § 22.16(b), allows a fifteen-day (15) period for responses to motions and Section 22.7(c), 40 C.F.R. § 22.7(c), provides for an additional five (5) days to be added thereto when the motion is served by mail. The parties are hereby notified that the undersigned will not entertain last minute motions to amend or supplement the prehearing exchange absent extraordinary circumstances.

The deadline for the optional joint set of stipulations, previously set for April 15, 2011, must now be submitted on or before March 4, 2011.

The Headquarters Hearing Clerk will make appropriate arrangements for a courtroom and retain a stenographic reporter. The parties will be notified of the exact location and other procedures pertinent to the hearing when those arrangements are complete. Individuals requiring special accommodation at this hearing, including wheelchair access, should contact the Headquarters Hearing Clerk (202-564-6261) at least ten business days prior to the hearing so that appropriate arrangements can be made.

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.



Barbara A. Gunning
Administrative Law Judge

Dated: January 20, 2011
Washington, DC

In the Matter of *Moran Beef*, Respondent.
Docket No. CWA-07-2010-0080

CERTIFICATE OF SERVICE

I certify that the foregoing **Order Rescheduling Hearing**, dated January 20, 2011, was sent in the following manner to the addressees listed below.



Knolyn R. Jones
Legal Staff Assistant

Original and One Copy by Interoffice Mail to:

Sybil Anderson
Headquarters Hearing Clerk
U.S. EPA Mailcode 1900L
1200 Pennsylvania Ave. NW
Washington, DC 20460

Copy by Pouch Mail to:

Chris Muehlberger, Esq.
Assistant Regional Counsel
U.S. EPA Region 7
901 North 5th Street
Kansas City, KS 66101

Copy of Regular Mail to:

Eldon McAfee Esq.
Beving, Swanson & Forrest, PC
321 E. Walnut St., Suite 200
Des Moines, IA 50309

Dated: January 21, 2011
Washington, D.C.