



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY 07 MAY 24 AM 10:55

BEFORE THE ADMINISTRATOR ENVIRONMENTAL PROTECTION AGENCY-REGION VII REGIONAL HEARING CLERK

In the Matter of: )
UNIVERSITY OF KANSAS )
MEDICAL CENTER, ) Docket No. RCRA-07-2006-0261
Respondent. )

ORDER SCHEDULING HEARING

A review of the file reflects that the prehearing exchange process in this case has been completed and all pending motions have been ruled upon. Therefore, the case is ripe for scheduling for hearing.

Agency policy strongly supports settlement. Therefore, the parties are directed to hold another settlement conference on or before June 15, 2007 and attempt to reach an amicable resolution of this matter. The Complainant shall file a status report regarding such conference and the status of settlement on or before June 22, 2007.

In the event the parties have failed to reach a settlement by that date, they shall strictly comply with the requirements of this Order and prepare for a hearing. In connection therewith, on or before July 27, 2007, 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.

All pre-hearing motions, such as motions to amend and motions in limine, must be filed on or before August 17, 2007.

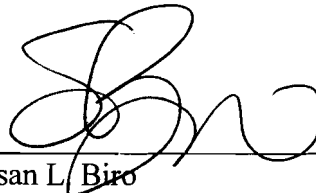
The parties may, if they wish, file prehearing briefs. The deadline for filing such briefs is Friday, September 28, 2007. A copy of the briefs should be faxed and/or hand-delivered to the undersigned by that date. The Complainant's brief should specifically state each count of the Complaint, and each claim therein, which are to be tried at the hearing and indicate which counts/claims are not. The Respondent's brief should identify each of the defenses the Respondent intends to pursue at the hearing.

The Hearing in this matter will be held beginning promptly at 9:30 a.m. on Tuesday, October 16, 2007 in Kansas City, Kansas, continuing if necessary, on October 17-19, 2007. The Regional Hearing Clerk will make appropriate arrangements for a Courtroom. The parties will be notified of the exact location and of other procedures pertinent to the hearing when those arrangements are complete.

Individuals requiring special accommodations at the hearing, including wheelchair access, should contact the Regional Hearing Clerk, as soon as possible so that appropriate arrangements can be made.

**THE 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.**

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.



Susan L. Biro  
Chief Administrative Law Judge

Dated: May 22, 2007  
Washington, D.C.

In the Matter of University of Kansas Medical Center, Respondent  
Docket No. RCRA-07-2006-0261

CERTIFICATE OF SERVICE

I certify that the foregoing **Order Scheduling Hearing**, dated May 22, 2007, was sent this day in the following manner to the addressees listed below.



Maria Whiting-Beale  
Legal Staff Assistant

Dated: May 22, 2007

Original And One Copy By Pouch Mail To:

Kathy Robinson  
Regional Hearing Clerk  
U.S. EPA  
901 North 5<sup>th</sup> Street  
Kansas City, KS 66101

Copy By Pouch Mail To:

Alex Chen, Esquire  
Assistant Regional Counsel  
U.S. EPA  
901 North 5<sup>th</sup> Street  
Kansas City, KS 66101

Copy By Regular Mail To:

Michael P. Comodeca, Esquire  
Sara S. Hertz, Esquire  
Spence Fane Britt & Browne, LLP  
9401 Indian Creek Parkway, Suite 700  
Overland Park, KS 66210-2005