



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

**In the Matter of:** )  
 )  
**Great Lakes Dredge and Dock, LLC,** ) **Docket No. MPRSA-04-2019-7500**  
 )  
**Respondent.** )

**HEARING ORDER**

The most recent Order setting prehearing exchange deadlines in this matter was issued on May 28, 2020. In accordance with that Order, the Agency submitted its Initial Prehearing Exchange on July 13, 2020. Respondent filed its Initial Prehearing Exchange on July 31, 2020, and the Agency followed with a Rebuttal Prehearing Exchange on August 14, 2020. The parties did not seek mediation through this office's Alternative Dispute Resolution process, and currently there are no pending motions. Thus, this matter is ready to be scheduled for hearing.

Under 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. *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. Accordingly, prehearing filing deadlines and the hearing in this matter are scheduled as follows:

**Settlement Status Reports.** The parties are encouraged to continue settlement negotiations. The Agency 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*. The first Status Report shall be filed on or before **October 2, 2020**, and the second Status Report shall be filed on or before **October 30, 2020**.

**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 **October 9, 2020**. 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 **October 16, 2020**. *Untimely motions may not be considered.*

**Joint Stipulations.** On or before **October 23, 2020**, 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 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 **October 30, 2020**. If filed, the Agency 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.

**Hearing.** The hearing in this matter shall begin at **9 a.m. on Monday, November 16, 2020**, and shall continue as necessary through **Friday, November 20, 2020**. Due to concerns related to COVID-19 and the ongoing coronavirus pandemic, this hearing will take place virtually by videoconference. Additional information about the hearing format will be provided when that information becomes available.

*Individuals requiring special accommodations at the hearing, including 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. If you have any procedural questions or questions about what to expect at the hearing, you may contact Matt Barnwell, Attorney Advisor, at (202) 564-3245 or barnwell.matt@epa.gov.*

*RESPONDENT IS ADVISED THAT FAILURE TO APPEAR AT THE HEARING, WITHOUT GOOD CAUSE HAVING BEEN SHOWN, MAY RESULT IN 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.*

**SO ORDERED.**



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Susan L. Biro  
Chief Administrative Law Judge

Dated: September 4, 2020  
Washington, D.C.

In the Matter of *Great Lakes Dredge and Dock, LLC*, Respondent.  
Docket No. MPRSA-04-2019-7500

**CERTIFICATE OF SERVICE**

I hereby certify that the foregoing **Hearing Order**, dated September 4, 2020, and issued by Chief Administrative Law Judge Susan L. Biro, was sent this day to the following parties in the manner indicated below.

  
\_\_\_\_\_  
Matt Barrwell  
Attorney Advisor

Original by Electronic Delivery to:  
Mary Angeles, Headquarters Hearing Clerk  
U.S. Environmental Protection Agency  
Office of Administrative Law Judges  
Ronald Reagan Building, Room M1200  
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Copies by Electronic Mail to:  
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*Counsel for Respondent*

Dated: September 4, 2020  
Washington, D.C.