



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

**In the Matter of:** )  
 )  
**U.S. Virgin Islands Water Power Authority** ) **Docket No. RCRA-02-2012-7108**  
 )  
**Respondents.** ) **Dated: August 2, 2013**

**ORDER SCHEDULING HEARING**

The prehearing exchange process in this matter has been completed and there are no pending motions. Therefore, the matter may be scheduled for hearing.

Agency policy strongly supports settlement. The parties are directed to hold a settlement conference and attempt to reach an amicable resolution of this matter. Complainant shall file a status report regarding such conference and the status of settlement on or before **August 16, 2013**.

In the event the parties have failed to reach a settlement by that date, they shall strictly comply with the following requirements of this Order and prepare for a hearing.

1. If any party intends to file any dispositive motion regarding liability, such as a motion under Rule 22.20(a) for accelerated decision to dismiss as to all or any counts in the Complaint, it shall file such motion on or before **August 16, 2013**. The filing of a potentially dispositive motion does not stay the deadlines established by this Order and will not constitute good cause for failure to comply with this Order's requirements.
2. All non-dispositive prehearing motions, such as motions for subpoenas or motions in limine, must be filed on or before **September 27, 2013**. This deadline does not apply to motions to supplement the prehearing exchange.
3. On or before **October 18, 2013**, 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. Stipulated exhibits are lists of: (1) proposed exhibits in the Prehearing Exchange which the parties agree are admissible in evidence, and (2) proposed exhibits to which the opposing party does not object with respect to authenticity. Stipulated testimony is direct testimony or part of direct testimony, in written form, of a witness who will appear at the hearing and be available for cross examination, which testimony the parties agree is admissible in evidence.

4. The parties are reminded that any document or exhibit not included in the prehearing exchanges shall not be admitted into evidence, and any witness whose name and testimony summary are not included in the prehearing exchange shall not be allowed to testify at hearing. If a party wishes to add a proposed witness, document, or exhibit to its prehearing exchange, it must file a timely motion to supplement the prehearing exchange no later than **October 28, 2013**. Motions filed after this date will not be considered absent extraordinary circumstances.

5. The parties may, if they wish, file prehearing briefs, which may substitute for an opening statement at the hearing. The deadline for filing such briefs is **November 1, 2013**. A copy of the briefs must be emailed (oaljfilings@epa.gov), faxed and/or hand-delivered to the undersigned by that date. 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. Respondent's brief should identify each of the defenses Respondent intends to pursue at the hearing.

The hearing in this matter will be held beginning promptly at 9:30 a.m. on Tuesday, November 12, 2013, in San Juan, PR. 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.

**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. COMPLAINANT IS HEREBY ADVISED THAT FAILURE TO APPEAR AT THE HEARING MAY RESULT IN DISMISSAL OF THIS MATTER.**

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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M. Lisa Buschmann  
Administrative Law Judge