



UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
BEFORE THE ADMINISTRATOR

In the Matter of:)
)
VSS International, Inc.,) Docket No. OPA-09-2018-0002
)
Respondent.)

NOTICE OF HEARING ORDER

A Prehearing Order was issued in this matter on April 20, 2018. Consistent therewith, Complainant submitted an Initial Prehearing Exchange on May 31, 2018, and a Rebuttal Prehearing Exchange on July 5, 2018. Likewise, Respondent submitted its Prehearing Exchange on June 22, 2018. No motions are pending at this time. Therefore, this matter is 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*. The first Status Report shall be filed on or before **November 30, 2018**, and the second Status Report shall be filed on or before **December 28, 2018**.

Joint Stipulations. On or before **January 4, 2019**, 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 **January 11, 2019**. 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.

Hearing. The hearing in this matter shall begin on **Tuesday, January 29, 2019**, and shall continue as necessary through **Friday, February 8, 2019**, in or around San Francisco, California. The parties will be timely notified of the precise location and start time for the hearing once sufficient space has been reserved by the Office of Administrative Law Judges.

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. If you have any procedural questions or questions about what to expect at the hearing, you may contact Andrea Priest, Attorney Advisor, at (202)564-4914 or priest.andrea@epa.gov.

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



Susan L. Biro
Chief Administrative Law Judge

Dated: July 20, 2018
Washington, D.C.

In the Matter of *VSS International, Inc.*, Respondent.
Docket No. OPA-09-2018-0002

CERTIFICATE OF SERVICE

I hereby certify that the foregoing **Notice of Hearing Order**, dated July 20, 2018, and issued by Chief Administrative Law Judge Susan L. Biro, was sent this day to the following parties in the manner indicated below.



Andrea Priest
Attorney Advisor

Original and One Copy by Personal Delivery to:

Mary Angeles, Headquarters Hearing Clerk
U.S. Environmental Protection Agency
Office of Administrative Law Judges
Ronald Reagan Building, Room M1200
1300 Pennsylvania Ave., NW
Washington, DC 20004

Copy by Electronic Mail to:

Rebekah Reynolds
Assistant Regional Counsel
U.S. Environmental Protection Agency, Region IX
Email: reynolds.rebekah@epa.gov.
For Complainant

Richard J. McNeil
Crowell & Moring LLP
Email: rmcneil@crowell.com
For Respondent

Dated: July 20, 2018
Washington, D.C.