



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

In the Matter of:)	
)	
Municipality of Moca,)	Docket No. CAA-02-2011-1216
)	
Respondent.)	Issued: April 18, 2012

ORDER SCHEDULING HEARING

The prehearing exchange process in this matter has been completed¹ and there are no pending motions. Therefore, this matter may be scheduled for hearing. The parties are reminded that dispositive motions regarding liability, such as motions for accelerated decision or motions to dismiss under Rule 22.20(a), must be filed no later than **April 30, 2012**, as set forth in the Prehearing Order issued on January 11, 2012. The filing of a dispositive motion does not stay the deadlines established by this Order and will not constitute good cause for failing to comply with this Order's requirements.

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, without disclosing any specific terms of settlement, on or before **May 18, 2012**. Complainant shall file a second status report on or before **June 15, 2012**.

In the event the parties fail to reach a settlement, they shall strictly comply with the requirements of this Order and prepare for a hearing. All non-dispositive prehearing motions, such as motions for subpoenas or motions in limine, must be filed on or before **June 22, 2012**. This deadline does not apply to motions to supplement the prehearing exchange.

On or before **July 20, 2012**, the parties shall file a Joint Set of Stipulated Facts, Exhibits,

¹ Complainant did not file a timely Rebuttal Prehearing Exchange. Complainant also did not respond to an e-mail, sent by the undersigned's staff attorney on April 9, 2012, inquiring whether Complainant intended to attempt to file a Rebuttal Prehearing Exchange after the deadline. If Complainant does intend to file a Rebuttal Prehearing Exchange, the Exchange must be accompanied by a Motion for Leave to File Out of Time showing good cause for Complainant's delay..

and Testimony. The time allotted for the hearing is limited. Therefore, the parties must make a good faith effort to stipulate 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 a hearing.

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 **August 10, 2012**. Motions filed after this date will not be considered absent extraordinary circumstances.

The parties may, if they wish, file prehearing briefs. The deadline for filing such briefs is **August 17, 2012**. Furthermore, a copy of the briefs must be emailed (oaljfilng@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, that are to be tried at the hearing, and indicate which counts/claims are not. Respondent's brief should at minimum identify and explain each defense Respondent intends to pursue at the hearing.

The hearing in this matter will be held in San Juan, Puerto Rico, beginning promptly at 9:30 a.m. on Tuesday, August 28, 2012, at a location to be determined, continuing if necessary on August 29 through August 31, 2012. 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.

Respondent has indicated that translation services are required for one of its intended witnesses. If other special accommodations will be required at the hearing, such as wheelchair access, the parties 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.

M. Lisa Buschmann
Administrative Law Judge