



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.)

AMENDED ORDER RESCHEDULING HEARING

I previously issued orders in this matter setting deadlines for filing dispositive and prehearing motions and scheduling a hearing to begin November 16, 2020. *See* Order Lifting Stay and Resetting Prehearing Deadlines (May 28, 2020); Hearing Order (Sept. 4, 2020).

On September 14, 2020, the date dispositive motions were due, the Agency filed a Motion to Extend Deadline to File Dispositive Motions (“Motion”). As good cause for an extension, the Agency states that it has substituted counsel representing it in this matter with recently hired attorneys; the parties have begun settlement negotiations; and the parties hope to further narrow the issues for hearing. Mot. at 1-2. Accordingly, the Agency asks to extend the dispositive motions deadline and all other litigation deadlines by 30 days. Mot. at 2. Respondent has not filed a response, but no response is needed.

Under the rules governing this proceeding, I “may grant an extension of time for filing any document: upon timely motion of a party to the proceeding, for good cause shown, and after consideration of prejudice to other parties; or upon [my] own initiative.” 40 C.F.R. § 22.7(b). The Agency has shown good cause for an extension, and Respondent will not be prejudiced. The Motion is **GRANTED**. The prehearing deadlines are extended, and the hearing is rescheduled, as follows:

Settlement Status Reports.¹ 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**; the second Status Report shall be filed on or before **October 30, 2020**; and the third status report shall be filed on or before **January 15, 2021**.

¹ The Agency does not seek an extension of deadlines to file Settlement Status Reports. Accordingly, the deadlines that were set previously have not been extended.

Dispositive Motions. Dispositive motions regarding liability, such as a motion for accelerated decision or motion to dismiss under 40 C.F.R. § 22.20(a), must be filed no later than **October 16, 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 **November 13, 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 **November 20, 2020**. *Untimely motions may not be considered.*

Joint Stipulations. On or before **December 11, 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 **January 15, 2021**. 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, February 22, 2021**, and shall continue as necessary through **Friday, February 26, 2021**. 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.



Susan L. Biro
Chief Administrative Law Judge

Dated: September 18, 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 **Amended Order Rescheduling Hearing**, dated September 18, 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 Barnwell
Attorney Advisor

Original by Electronic Delivery to:

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Counsel for Respondent

Dated: September 18, 2020
Washington, D.C.