

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION II

IN THE MATTER OF: :
: :
: :
Dimmid, Inc. :
: :
: :
Respondent :
:

Docket No. TSCA-02-2023-9226

ORDER SCHEDULING STATUS TELECONFERENCE

The Undersigned summarizes the most recent proceedings and communications in this matter as follows:

On June 12, 2023, Complainant EPA issued an amended Complaint (Complaint) against Respondent, Dimmid, Inc. (Dimmid), which was sent by overnight mail to Dimmid on June 12, 2023.

On June 13, 2023, the Vice President of Dimmid, Leo Vernovsky, sent an email to the undersigned, copying the Regional Hearing Clerk (RHC) and the attorney for Complainant, Lee Spielmann, expressing his frustration and confusion regarding the proceedings to date.

Considering the above, the Undersigned makes the following findings:

The Undersigned finds that it would be in the best interest of the parties to schedule a Status Teleconference in this matter. During this conference, the Undersigned and the parties could discuss the administrative enforcement process, the option of either party requesting an extension of time to answer this Complaint, the possibility of the parties scheduling an informal conference, etc. The Undersigned will call each of the parties to this teleconference at the date, time and phone numbers specified below. If either of the parties cannot participate at the scheduled time, they are to inform the Undersigned by email as soon as possible, copying the other party and the RHC.

The Undersigned also reminds the Respondent that he shall file an answer in compliance with the regulatory requirements, within 20 days of Respondent's receipt of the Complaint. Said answer should include the following information:

The answer must clearly and directly admit, deny, or explain each of the factual allegations contained in the complaint with regard to which respondent has any knowledge. Where respondent has no knowledge of a particular factual allegation and so states, the allegation is deemed denied. The answer shall also state: The circumstances or arguments which are alleged to constitute the grounds of any defense; the facts which respondent disputes; the basis for opposing any proposed relief; and whether a hearing is requested." 40 CFR § 22.15(b)

In the alternative, the Respondent may also make a motion pursuant to 40 CFR § 22.16(a) for an extension of time within which to answer the complaint and/or request an informal conference, as provided in the Complaint.

These options can be further discussed during the Status Teleconference, **which does not nullify Respondent's obligations to file an answer to the Complaint or a motion requesting an extension of time within the regulatory time period.**

Based on the information contained herein, the Undersigned issues the following Order:

IT IS HEREBY ORDERED:

The Undersigned schedules a **Status Teleconference for Wednesday, June 28, 2023, at 10:30 AM. At that time, she will call Mr. Vernovsky at (347) 372-0878 and Mr. Spielmann at (212) 637-32. Settlement details can not be discussed at this teleconference because the Undersigned will be presiding.**

Effective Date

The effective date of this Order shall be the date it is signed, below

Date: June 22, 2023

Helen S. Ferrara
Regional Judicial Officer
U.S. Environmental Protection Agency
290 Broadway
New York, N.Y. 10007-1866
(212) 637-3233
Ferrara.helen@epa.gov