



UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
BEFORE THE ADMINISTRATOR

In the Matter of:)
)
Professional Contract Sterilization, Inc.,) Docket No. CAA-01-2022-0059
)
Respondent.)


ORDER ON REQUEST FOR ALTERNATIVE DISPUTE RESOLUTION

This matter commenced with the filing of a Complaint on June 28, 2022, alleging in two counts that Respondent violated the Clean Air Act. Respondent filed an Answer to Complaint, Affirmative Defenses, and Request for Hearing on July 28, 2022. The matter was transmitted to this Tribunal, and the undersigned was designated to preside on August 8, 2022. Also on that date, a Prehearing Order was issued setting deadlines for the parties to engage in the prehearing exchange of information.

After the parties submitted their prehearing exchanges, Complainant filed a Motion for Accelerated Decision on Liability and to Strike Affirmative Defenses on February 6, 2023. Respondent filed its Opposition on February 21, 2023. On September 1, 2023, an Order was issued finding Respondent liable on both counts of the Complaint, deeming the Motion moot with respect to affirmative defenses Respondent waived, and denying the request to strike the remaining affirmative defenses. That Order also offered the parties the opportunity to participate in Alternative Dispute Resolution (“ADR”) and set a deadline of September 15, 2023, for Complainant to file a Status Report informing the Tribunal of the parties’ decision.

On September 15, 2023, Complainant timely filed the Status Report. The Status Report relates that “the parties conferred and agree to participate in Alternative Dispute Resolution” This notification is hereby deemed a Joint Motion for the Appointment of an ADR Neutral pursuant to 40 C.F.R. § 22.18(d)(3) and is **GRANTED**. Further litigation in this proceeding will be stayed while the parties are engaged in the ADR process. The undersigned, in a subsequent Order, will designate a qualified neutral.

SO ORDERED.




Susan L. Biro
Chief Administrative Law Judge

Dated: September 20, 2023
Washington, D.C.

In the Matter of *Professional Contract Sterilization, Inc.*, Respondent.
Docket No. CAA-01-2022-0059

CERTIFICATE OF SERVICE

I hereby certify that the foregoing **Order on Request for Alternative Dispute Resolution**, dated September 20, 2023, and issued by Chief Administrative Law Judge Susan L. Biro, was sent this day to the following parties in the manner indicated below.



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Attorney-Advisor

Copy by OALJ E-Filing System to:
Mary Angeles, Headquarters Hearing Clerk
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Counsel for Respondent

Dated: September 20, 2023
Washington, D.C.