



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

In the Matter of:	)	
	)	
Jackson & Son Distributors, Inc.,	)	Docket No. CWA-10-2025-0023
d/b/a Jackson and Son Oil,	)	
	)	
Respondent.	)	

ORDER RESCHEDULING THE PREHEARING EXCHANGE

This proceeding was initiated on December 18, 2024, when Complainant, the Director of the Enforcement and Compliance Assurance Division in Region 10 of the U.S. Environmental Protection Agency ("EPA" or "Agency"), filed a Complaint against Respondent Jackson & Son Distributors, Inc., doing business as Jackson and Son Oil, pursuant to Section 311(b)(6) of the Clean Water Act ("CWA"), 33 U.S.C. § 1321(b)(6). By Order dated October 7, 2025, I granted Complainant's Motion for Leave to Amend the Complaint ("Motion"), deeming the signed copy of the proposed Amended Complaint that Complainant had attached to its Motion the governing complaint in this matter; ordering Respondent to file its answer to the Amended Complaint by October 27, 2025; and advising the parties that I would issue an order setting deadlines for the parties to engage in the prehearing exchange of information, which had been postponed pending resolution of the Motion, following receipt of Respondent's answer. Respondent timely filed its Answer to Amended Complaint ("Answer") on October 27. I now schedule the parties' prehearing exchange as set forth below.

1. Each party shall file with the Headquarters Hearing Clerk, serve on the opposing party, and serve on the undersigned:

(A) a list of names of the witnesses intended to be called at the hearing, identifying each as a fact witness or an expert witness, a brief narrative summary of their expected testimony, and a curriculum vitae or resume for each identified expert witness; or a statement that no witnesses will be called.

(B) a list of all exhibits, numbered in sequential order, that the party intends to produce at the hearing, along with a copy of each exhibit marked for identification as follows:

- i. Complainant's exhibits shall be identified as "CX."
- ii. Respondent's exhibits shall be identified as "RX."
- iii. Each exhibit shall be labeled numerically with the corresponding exhibit number on each page of the exhibit. For example, the first exhibit provided by

Complainant shall be labeled on each page of the exhibit as "CX 1." The label for each exhibit shall be located at the bottom (footer) of the document and aligned to the right margin.

- iv. Any exhibit consisting of more than one page shall include page numbers at the bottom (footer) of each page, aligned to the right margin. The pages shall be numbered consecutively as follows: "Page X of [total of] Y," with "Page X" representing the page number in sequence beginning from the number 1 and "[total of] Y" representing the total number of pages in the exhibit. For example, to identify the third page of Complainant's first exhibit, which has five pages total, the bottom of the page shall read "CX 1 Page 3 of 5."

(C) a statement specifying the amount of time needed to present its direct case, *see* 40 C.F.R. §§ 22.21(d), 22.19(d), and indicating whether the services of an interpreter are necessary with regard to the testimony of any witness(es). If the services of an interpreter are necessary, the statement shall also indicate the language that is to be interpreted.

2. In addition, Complainant shall submit the following as part of its Initial Prehearing Exchange:

(A) a brief narrative statement, and a copy of any documents in support, explaining in detail the factual and/or legal bases for the allegations denied or otherwise not admitted in Respondent's Answer.

(B) all factual information and supporting documentation relevant to the assessment of a penalty, and a copy, or a statement of the internet address (URL), of any policy or guidance intended to be relied on by Complainant in calculating a proposed penalty.

(C) a copy, or a statement of the internet address (URL), of any EPA guidance documents and/or policies, including any updates or revisions to such guidance and/or policies, and any preambles to regulations that Complainant has relied upon with regard to the allegations set forth in the Amended Complaint.

(D) proof that public notice has been provided regarding the proposed assessment of a civil penalty under Section 311(b)(6) of the Clean Water Act. *See* 33 U.S.C. § 1321(b)(6); 40 C.F.R. § 22.45(b).

3. In addition, Respondent shall submit the following as part of its Prehearing Exchange:

(A) a copy of any documents in support of the denials made in its Answer.

(B) a copy of any documents in support of any asserted affirmative defenses and an explanation of the arguments in support of any such affirmative defenses.

(C) all factual information that Respondent considers relevant to the assessment of a penalty and any supporting documentation.

(D) if Respondent takes the position that the proposed penalty should be reduced or eliminated on any grounds, such as an inability to pay, then provide a detailed narrative statement explaining the precise factual and legal bases for its position and a copy of all documents upon which it intends to rely in support of such position.

4. Finally, Complainant shall submit as part of its Rebuttal Prehearing Exchange:

(A) a statement and/or any documents in response to Respondent's Prehearing Exchange as to provisions 3(A) through 3(D) above.

(B) a statement specifying a proposed penalty, along with a detailed explanation of the factors considered and methodology utilized in calculating the amount of the proposed penalty, in accordance with the criteria set forth in the particular statute authorizing this proceeding and any policies referenced in the proposed civil penalty section of the Amended Complaint.

The prehearing exchanges called for above shall be filed pursuant to the following schedule:

December 19, 2025 Complainant's Initial Prehearing Exchange

January 9, 2026 Respondent's Prehearing Exchange

January 23, 2026 Complainant's Rebuttal Prehearing Exchange

Section 22.19(a) of the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits, 40 C.F.R. §§ 22.1 to 22.45 ("Rules of Practice") provides that, except in accordance with Section 22.22(a), any document not included in the prehearing exchange 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. 40 C.F.R. § 22.19(a). Therefore, each party is advised to thoughtfully prepare its prehearing exchange.

A hearing in this matter will be scheduled following the prehearing exchange. Any addition of a proposed witness or exhibit to a party's prehearing exchange, submitted pursuant to Section 22.19(f) of the Rules of Practice, must be filed with an accompanying *motion to supplement the prehearing exchange* only when supplementation is sought within 60 days of the scheduled hearing. *Joint motions for the appointment of a neutral*, filed pursuant to Section 22.18(d)(3) of the Rules of Practice, will not be entertained prior to the deadline for Complainant's Rebuttal Prehearing Exchange and shall be filed no later than seven days after that deadline. *Dispositive motions* regarding liability, such as a motion for accelerated decision

or motion to dismiss under Section 22.20(a) of the Rules of Practice, must be filed within 30 days after the deadline for Complainant's Rebuttal Prehearing Exchange. *Non-dispositive motions*, such as motions for additional discovery, motions for subpoenas, and motions in limine, must be filed no later than 60 days prior to the scheduled hearing.

SO ORDERED.

A handwritten signature in black ink, appearing to read 'M. Wright', with a long horizontal stroke extending to the right.

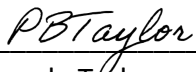
Michael B. Wright
Chief Administrative Law Judge

Dated: November 17, 2025
Washington, D.C.

In the Matter of *Jackson & Son Distributors, Inc., d/b/a Jackson and Son Oil*, Respondent
Docket No. CWA-10-2025-0023

CERTIFICATE OF SERVICE

I hereby certify that the foregoing Order Rescheduling the Prehearing Exchange, dated November 17, 2025, and issued by Chief Administrative Law Judge Michael B. Wright, was sent this day to the following parties in the manner indicated below.



Pamela Taylor
Paralegal Specialist

Original by OALJ E-Filing System to:

U.S. Environmental Protection Agency
Office of Administrative Law Judges
<https://yosemite.epa.gov/OA/EAB/EAB-ALJ Upload.nsf>

Copy by Electronic Mail to:

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Counsel for Respondent

Dated: November 17, 2025
Washington, D.C.