



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

In the Matter of:)
)
Peace Industry Group (USA) Inc., and) **Docket No. CAA-HQ-2014-8119**
Blue Eagle Motor Inc.,) **Dated: May 12, 2016**
)
Respondents.)

ORDER SCHEDULING HEARING

The prehearing exchange process is complete, and there are no motions pending in this matter. Likewise, a Default Order and Initial Decision was entered against former respondents Zhejiang Peace Industry and Trade Co., Ltd., and Chongqing Astronautic Bashan Motorcycle Manufacturing Co., Ltd., on March 29, 2016, severing them from this proceeding. It is therefore appropriate to schedule a hearing for the remaining respondents. The parties shall strictly comply with the following requirements of this Order Scheduling Hearing:

1. Agency policy strongly supports settlement. Complainant shall file a report on or before **August 12, 2016**, and again on or before **September 9, 2016**, and **October 7, 2016**, as to the status of any settlement discussions.
2. All non-dispositive prehearing motions, such as motions for subpoenas or motions in limine, must be filed on or before **September 2, 2016**. This deadline does not apply to motions to supplement the prehearing exchange.
3. On or before **September 30, 2016**, 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 which cannot reasonably be contested so that the hearing can be concise and focused solely on those matters which can only be resolved after a hearing. Stipulated exhibits are lists of: (1) proposed exhibits in the Prehearing Exchange which the parties agree are admissible in evidence, and (2) proposed exhibits to which the opposing party does not object with respect to authenticity. Stipulated testimony is direct testimony or part of direct testimony, in written form, of a witness who will appear at the hearing and be available for cross examination, which testimony the parties agree is admissible in evidence.
4. The parties are reminded that under 40 C.F.R. § 22.19, any document or exhibit not included in the prehearing exchanges may 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, unless conditions of 40 C.F.R. § 22.22(a) are met. If

a party wishes to add a proposed witness or exhibit to its prehearing exchange, it must file a timely motion to supplement the prehearing exchange no later than **October 10, 2016**, explaining why the witness or exhibit was not included in the initial prehearing exchange. Motions filed after this date will not be considered absent extraordinary circumstances.

5. The parties may, if they wish, file prehearing briefs, which may substitute for an opening statement at the hearing. The deadline for filing these briefs is **October 14, 2016**. The undersigned prefers that the parties file their briefs electronically,¹ although they also may be faxed and/or hand-delivered to the undersigned by that date in accordance with 40 C.F.R. Part 22. Complainant's brief should at a minimum specifically state each count of the Complaint, and each claim therein, which are to be tried at the hearing and indicate which counts/claims are not. Respondents' briefs at a minimum should identify each of the defenses Respondents intend to pursue at the hearing.
6. Individuals requiring special accommodations at the hearing, including translators or wheelchair access, should contact the Headquarters Hearing Clerk, as soon as possible so that appropriate arrangements can be made. In any event, such notification should be made no later than **September 23, 2016**. The Headquarters Hearing Clerk may be contacted as follows:

Sybil Anderson, Headquarters Hearing Clerk
U.S. Environmental Protection Agency
Office of Administrative Law Judges
anderson.sybil@epa.gov
(202) 546-6261

7. The hearing in this matter will be held beginning promptly at **9 a.m. Monday, October 24, 2016**, and will continue as necessary through October 28, 2016, in **Atlanta, Georgia**.²

¹ For further information about electronic filing, the parties should consult the Standing Order Authorizing Electronic Filing in Proceedings Before the Office of Administrative Law Judges, available on the OALJ website, www.epa.gov/oalj, as well as the specific URL for electronic filing, found at https://yosemite.epa.gov/OA/EAB/EAB-ALJ_Upload.nsf/HomePage?ReadForm.

² The Office of Administrative Law Judges will notify the parties of a more specific location in the Atlanta area once it has reserved a courtroom.

RESPONDENTS ARE HEREBY ADVISED THAT FAILURE TO APPEAR AT THE HEARING, WITHOUT GOOD CAUSE BEING SHOWN THEREFOR, MAY RESULT IN A DEFAULT JUDGMENT BEING ENTERED AGAINST THEM. COMPLAINANT IS HEREBY ADVISED THAT FAILURE TO APPEAR AT THE HEARING MAY RESULT IN DISMISSAL OF THIS MATTER.

If any 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.

M. Lisa Buschmann
Administrative Law Judge

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CERTIFICATE OF SERVICE

I hereby certify that the foregoing ORDER SCHEDULING HEARING, dated May 12, 2016, and issued by M. Lisa Buschmann, Administrative Law Judge, was served this day on the following parties in the manner listed below.

Chronnia L. Warren
Paralegal Specialist

Original and One Copy by Hand Delivery on May 12, 2016.

Sybil Anderson
Headquarters Hearing Clerk
Office of Administrative Law Judges
U.S. Environmental Protection Agency
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1200 Pennsylvania Ave., N.W.
Washington, D.C. 20460

Copy by Electronic Mail and Regular Mail on May 12, 2016.

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Copy by Regular Mail on May 12, 2016.

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Dated: May 12, 2016
Washington, DC