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Attorneys for VSS INTERNATIONAL, INC.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
BEFORE THE ADMINISTRATOR

IN THE MATTER OF  
  
**VSS INTERNATIONAL, INC.**  
3785 Channel Drive  
West Sacramento, CA  
  
Respondent.

DOCKET NO. OPA 09-2018-0002  
  
**RESPONDENT VSS INTERNATIONAL, INC.’S  
MOTION FOR RECONSIDERATION AND  
APPEAL (40 CFR Sections 22.20, 22.27, 22.29,  
22.30 and 22.32)**

On December 26, 2018, Chief Administrative Law Judge Susan L. Biro issued an Order On Complainant’s Motion For Accelerated Decision As To Liability (“Order”).

Page 33 of the Order states in part:

“Complainant’s Motion for Accelerated Decision is GRANTED with regard to liability for Count I ....”

Respondent respectfully seeks reconsideration or appeal of this order as to Count I. Respondent appreciates that this Motion may be deemed by the Court or the Environmental

Appeals Board to be premature, and respectfully apologizes therefor, in view of the fact that a hearing is scheduled for this matter on January 29, 2019.

Respondent of course will promptly request reconsideration of Count I before Judge Biro at the hearing but, as a protective measure, Respondent is filing this motion at this time in view of potentially applicable time periods set forth in 40 CFR Part 22.

Notice of this motion was provided in advance to filing to Rebekah Reynolds, counsel of record to EPA in this matter.

Dated: January 4, 2019

CROWELL & MORING LLP



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Richard J. McNeil  
Christine E. Cwiertny  
Attorneys for Respondent  
VSS INTERNATIONAL, INC.


**CERTIFICATE OF SERVICE**

I, Richard J. McNeil, hereby certify that on January 4, 2019, I caused to be served via overnight delivery the foregoing **RESPONDENT VSS INTERNATIONAL, INC.'S MOTION FOR RECONSIDERATION AND APPEAL (40 CFR Sections 22.20, 22.27, 22.29, 22.30 and 22.32)**, with the Clerk of the Office of Administrative Law Judges, attention Mary Angeles at the Ronald Reagan Building, Room M1200, 1300 Pennsylvania Avenue, N.W., Washington, D.C. 20004.

Additionally, I, Richard J. McNeil, hereby certify that on January 4, 2019, I served a true and correct copy of the foregoing via electronic mail to Rebekah Reynolds, attorney for Complainant, at [Reynolds.Rebekah@epa.gov](mailto:Reynolds.Rebekah@epa.gov).

Dated: January 4, 2019

Respectfully Submitted,

  
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