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Attorneys for VSS INTERNATIONAL, INC.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IX

RECEIVED BY OALJ
2018 MAY 11 PM 4:23

IN THE MATTER OF

VSS INTERNATIONAL, INC.

3785 Channel Drive
West Sacramento, CA

Respondent.

DOCKET NO. OPA 09-2018-00002

**RESPONDENT'S PRELIMINARY
STATEMENT**

Proceeding to Assess Class II Civil Penalty Under
Clean Water Act Section 311

Respondent, VSS International, Inc. ("VSSI"), hereby respectfully submits this Preliminary Statement in accordance with the April 20, 2018 Prehearing Order, as follows:

1. Respondent and Complainant have discussed the possible hearing location with each other and Respondent respectfully submits that San Francisco would seemingly be the most logical location, based chiefly upon the fact that it is anticipated that most potential witnesses in this matter reside in California.

2. Respondent consents to service of orders and decisions issued by this Tribunal, and to service of documents filed by Complainant, by email only during this proceeding.
3. Respondent will accept such service at rmcneil@crowell.com.

Dated: May 10, 2018

CROWELL & MORING LLP



Richard J. McNeil
Attorneys for Respondent
VSS INTERNATIONAL, INC.

CERTIFICATE OF SERVICE

I, Enia A. Castillo, state:

My business address is 3 Park Plaza, 20th Floor, Irvine, CA 92614-8505. I am over the age of eighteen years and not a party to this action.

On the date set forth below, I served the foregoing document(s) described as:

RESPONDENT'S PRELIMINARY STATEMENT

on the following person(s) in this action:

Mary Angeles
Headquarters Hearing Clerk
U.S. Environmental Protection Agency
Office of Administrative Law Judges
Ronald Reagan Building, Room M1200
1300 Pennsylvania Ave., N.W.
Washington, DC 20004

Received Original and Copy
Via Federal Express

J. Andrew Helmlinger
Assistant Regional Counsel
Office of Regional Counsel
U.S. Environmental Protection Agency, Region IX
75 Hawthorne Street (Mail Code ORC-3)
San Francisco, California 94105
Email: helmlinger.andrew@epa.gov
For Complainant

Received Copy
Via Electronic and Regular Mail

Susan L. Biro
Chief Administrative Law Judge
U.S. Environmental Protection Agency
Office of Administrative Law Judges
1200 Pennsylvania Ave., N.W.
Mail Code 1900R
Washington, DC 20460

Received Copy
Via Regular Mail

- BY FIRST CLASS MAIL:** I am employed in the County of Orange County where the mailing occurred. I enclosed the document(s) identified above in a sealed envelope or package addressed to the person(s) listed above, with postage fully paid. I placed the envelope or package for collection and mailing, following our ordinary business practice. I am readily familiar with this firm's practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service.
- BY MESSENGER SERVICE:** I served the document(s) identified above by placing them in an envelope or package addressed to the person(s) listed above and providing them to a professional messenger service for service. A declaration of personal service by the messenger is attached.

- BY OVERNIGHT DELIVERY: I enclosed the document(s) identified above in a sealed envelope or package addressed to the person(s) listed above, in an envelope or package designated by the overnight delivery carrier with delivery fees paid or provided for. I placed the envelope or package for collection and overnight delivery at an office or a regularly utilized drop box of the overnight delivery carrier, or by delivering to a courier or driver authorized by the overnight delivery carrier to receive documents.
- BY FACSIMILE: Based on an agreement of the parties to accept service by facsimile transmission, I faxed the document(s) identified above to the person(s) at the fax number(s) listed above. The transmission was reported complete and without error. I have attached a copy of the transmission report that was issued by the facsimile machine.
- BY ELECTRONIC MAIL: Based on a court order or an agreement of the parties to accept service by electronic mail, I caused the document(s) identified above to be transmitted electronically to the person(s) at the e-mail address(es) listed above. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

I declare under penalty of perjury under the laws of the United States and the State of California that the foregoing is true and correct.

Executed on **May 10, 2018**, at Irvine, California.



Enia A. Castillo