



UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
BEFORE THE ADMINISTRATOR

In the Matter of:)
)
GreenBuild Design & Construction, LLC,) Docket No. TSCA-10-2021-0006
)
Respondent.)

HEARING ORDER

On February 3, 2021, I issued a Prehearing Order establishing deadlines for the parties to engage in a prehearing exchange of information and file dispositive motions. Following the prehearing exchange, the Complainant moved for accelerated decision as to Respondent's liability, which I granted. *See* Order on Complainant's Motion for Accelerated Decision as to Liability (Nov. 17, 2021). There are currently no motions pending, and this matter is ready to be scheduled for a hearing on penalty.

Pursuant to my authority to schedule and regulate the course of the hearing, as provided in 40 C.F.R. Part 22, prehearing filing deadlines and the hearing are scheduled as follows:

Settlement Status Reports. Complainant is directed to file Status Reports as to the status of any settlement negotiations between the parties, *which shall not include any specific terms of settlement.* The first Status Report shall be filed on or before **February 18, 2022**, and the second Status Report shall be filed on or before **April 1, 2022**.

Motions. Non-dispositive motions, such as motions for additional discovery, motions for subpoenas, and motions in limine, shall be filed no later than **March 4, 2022**. Similarly, a party seeking to supplement its prehearing exchange may do so only by motion after **March 4, 2022**. Belated supplements to a party's prehearing exchange may be excluded from evidence at the undersigned's discretion.

Joint Stipulations. The time allotted for the hearing is limited. Therefore, the parties shall make a good faith effort to stipulate as much as possible to matters that cannot reasonably be contested. This practice ensures that the hearing is concise and focused solely on those matters that can only be resolved after an evidentiary hearing. Any stipulations reached by the parties shall be filed as a Joint Set of Stipulated Facts, Exhibits, and/or Testimony on or before **April 8, 2022**.

Prehearing Briefs. The parties may, if they wish, file prehearing briefs on or before **April 22, 2022**.

Prehearing Conference. A prehearing conference will be scheduled in advance of the hearing and conducted by a staff attorney.


Hearing. The hearing in this matter will take place **virtually by video conference**, beginning at **1 p.m. Eastern Time, May 2, 2022**, and continuing as necessary through **May 6, 2022**. Additional information about the hearing format will be provided at a later date.

Individuals requiring special accommodations for the hearing, including the services of an interpreter, must contact Mary Angeles, Headquarters Hearing Clerk, at (202) 564-6281, no later than 30 days prior to the scheduled hearing, so that appropriate arrangements can be made. If you have any procedural questions or questions about what to expect at the hearing, you may contact Michael Wright, Supervisory Attorney Advisor, at (202) 564-3247 or wright.michaelb@epa.gov.

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 as soon as possible.

Complainant is advised that failure to appear at the hearing, without good cause having been shown, may result in dismissal of the case with prejudice. Respondent is advised that failure to appear at the hearing, without good cause having been shown, may result in the entry of a default judgment against it.

SO ORDERED.



Susan L. Biro
Chief Administrative Law Judge

Dated: January 10, 2022
Washington, D.C.

In the Matter of *GreenBuild Design & Construction, LLC*, Respondent.
Docket No. TSCA-10-2021-0006

CERTIFICATE OF SERVICE

I hereby certify that the foregoing **Hearing Order**, dated January 10, 2022, and issued by Chief Administrative Law Judge Susan L. Biro, was sent this day to the following parties in the manner indicated below.



Matt Barnwell
Attorney Advisor

Original by Electronic Delivery to:

Mary Angeles, Headquarters Hearing Clerk
U.S. Environmental Protection Agency
Office of Administrative Law Judges
Ronald Reagan Building, Room M1200
1300 Pennsylvania Ave., NW
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Copies by Electronic Mail to:

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For Respondent

Dated: January 10, 2022
Washington, D.C.