



UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
BEFORE THE ADMINISTRATOR

In the Matter of:)
)
Great Lakes Dredge and Dock, LLC,) Docket No. MPRSA-04-2019-7500
)
Respondent.)

ORDER RESCHEDULING HEARING

On February 25, 2021, I issued an Order Lifting Stay and Scheduling Hearing that set prehearing deadlines and a hearing to begin the week of August 23, 2021. However, a scheduling conflict has arisen for the Tribunal that requires the hearing be moved to an earlier date in August.

Accordingly, the hearing shall be rescheduled and new prehearing deadlines shall be set as follows:¹

Settlement Status Reports. The parties are encouraged to continue settlement negotiations. The Agency 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 **April 23, 2021**; the second Status Report shall be filed on or before **June 4, 2021**; and the third status report shall be filed on or before **July 30, 2021**.

Supplements to Prehearing Exchange. The parties may add proposed witnesses or exhibits to their prehearing exchange pursuant to 40 C.F.R. § 22.19(f) without seeking leave of the Tribunal if supplementation is made prior to **June 4, 2021**. Thereafter, no supplementation may be made without an accompanying motion to supplement the prehearing exchange, and any such motion filed within 15 days of the hearing will not be granted absent a showing of good cause for failing to previously exchange the information. *See* 40 C.F.R. § 22.22.

Prehearing Motions. Motions for subpoenas and motions in limine must be filed no later than **June 11, 2021**. *Untimely motions may not be considered.*

Joint Stipulations. On or before **July 2, 2021**, the parties shall file a Joint Set of Stipulated Facts, Exhibits, and Testimony. The time allotted for the hearing is limited.

¹ The deadline to file motions for additional discovery passed on March 26, 2021 and need not be rescheduled.

Therefore, the parties must make a good faith effort to stipulate as much as possible to matters that cannot reasonably be contested so that the hearing can be concise and focused solely on those matters that can only be resolved after an evidentiary hearing.

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

Prehearing Briefs. The parties may, if they wish, file prehearing briefs on or before **July 23, 2021**. If filed, the Agency brief should specifically state each count of the Complaint and each claim therein that will be tried at the hearing and indicate which counts and claims will not. If filed, Respondent's brief should identify each of the defenses Respondent intends to pursue at the hearing.

Hearing. Depending on conditions related to COVID-19 and the ongoing coronavirus pandemic, the hearing in this matter will take place in either **Chicago, Ill.; Washington D.C.**; or **virtually by videoconference**. If the hearing takes place by videoconference, it shall begin at **9 a.m., August 9, 2021**, and continue as necessary through **August 13, 2021**. If the hearing takes place in person, the hearing shall begin at **9 a.m., August 10, 2021**, and continue as necessary through **August 13, 2021**. Additional information about the hearing format will be provided at a later date.

Individuals requiring special accommodations at the hearing, including wheelchair access and translation services, 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 Matt Barnwell, Attorney Advisor, at (202) 564-3245 or barnwell.matt@epa.gov.

RESPONDENT IS ADVISED THAT FAILURE TO APPEAR AT THE HEARING, WITHOUT GOOD CAUSE HAVING BEEN SHOWN, MAY RESULT IN DEFAULT JUDGMENT BEING ENTERED AGAINST IT.

IF EITHER 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.



Susan L. Biro
Chief Administrative Law Judge

Dated: March 29, 2021
Washington, D.C.

In the Matter of *Great Lakes Dredge and Dock, LLC*, Respondent.
Docket No. MPRSA-04-2019-7500

CERTIFICATE OF SERVICE

I hereby certify that the foregoing **Order Rescheduling Hearing**, dated March 29, 2021, 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
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Counsel for Respondent

Dated: March 29, 2021
Washington, D.C.