UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
BEFORE THE ADMINISTRATOR

In the Matter of:	)	
	)	
LHP, LLC,	)	**Docket No. TSCA-07-2014-0029**
	)	
Respondent.	)	

NOTICE OF HEARING AND SCHEDULING ORDER

The prehearing exchange process in this matter has been completed and there are no pending motions. Therefore, this matter may be scheduled for hearing.

Agency policy strongly supports settlement. The parties are directed to hold a settlement conference and attempt to reach an amicable resolution of this matter. Complainant shall file a status report regarding such conference and the status of settlement on or before **November 10, 2015**.

In the event the parties have failed to reach a settlement by that date, they shall strictly comply with the following requirements of this Order and prepare for a hearing.

1. If any party intends to file any dispositive motion regarding liability, such as a motion under Rule 22.20(a) for accelerated decision as to all or any counts in the Complaint, it shall file such motion on or before **November 20, 2015**. The filing of a potentially dispositive motion does not stay the deadlines established by this Order and will not constitute good cause for failure to comply with this Order's requirements.

2. All non-dispositive prehearing motions, such as motions for subpoenas or motions in limine, must be filed on or before **December 16, 2015**. This deadline does not apply to motions to supplement the prehearing exchange.

3. On or before **December 31, 2015**, 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 any document or exhibit not included in the prehearing exchanges shall 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. 40 C.F.R. § 22.19(a). If a party wishes to add a proposed witness, document, or exhibit to its prehearing exchange, it must file a timely motion to supplement the prehearing exchange no later than **January 16, 2016,** explaining why it was not submitted earlier. 40 C.F.R. § 22.22(a).

5. Each party may, if it wishes, file a prehearing brief, which may also substitute for an opening statement at the hearing. The deadline for filing such briefs is **January 16, 2016**. At a minimum, Complainant's brief should specifically state the issues to be presented in its direct case at the hearing. Respondent's brief should identify each of the defenses Respondent intends to pursue at the hearing.

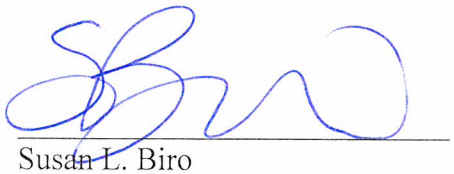
The hearing in this matter will be held beginning promptly at **9:30 a.m. on Tuesday, February 2, 2016,** in or near Lincoln Nebraska, and continuing if necessary through Friday, February 5, 2015. The Headquarters Hearing Clerk will make appropriate arrangements for a courtroom. The parties will be notified of the exact location and of other procedures pertinent to the hearing when those arrangements are complete.

If a party is aware of hearing witnesses or attendees requiring special accommodations at the hearing, including wheelchair access, it shall contact the Headquarters Hearing Clerk Sybil Anderson at (202) 564-6261, *as soon as possible*, so that appropriate arrangements can be made.

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

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

Date: October 26, 2015
Washington, D.C.

In the Matter of LHP, LLC., ***Respondent***
Docket No. TSCA-07-2014-0029

CERTIFICATE OF SERVICE

I hereby certify that the foregoing **Notice of Hearing and Scheduling Order,** dated October 26, 2015, was sent this day in the following manner to the addressees listed below.

Danielle Pope
Paralegal

Original And One Copy To:

Sybil Anderson
Headquarters Hearing Clerk
U.S. EPA / Office of Administrative Law Judges
Mail Code 1900R
1200 Pennsylvania Avenue, NW
Washington, DC 20460-2001

One Copy By Electronic and Regular Mail To:

Robert W. Richards
Assistant Regional Counsel
U.S.EPA
11201 Renner Boulevard
Lenexa, KS 66219
richards.robert@epa.gov

Cynthia M. Rote, Esquire
Delaney Law, PC
Managing Partner
444 North Wabash Avenue, 3rd Floor
Chicago, IL 60611
cynthia@delaney-law.com

Dated: October 26, 2015
Washington, D.C.